

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

**TACTICAL UNINTENTIONAL DISCHARGE – 032-20**

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

Hollenbeck                      7/31/2020

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

Officer A    3 years

**Reason for Police Contact**

While responding to a call involving a possible burglary, Officer A unholstered his/her pistol upon arrival and prepared to exit the vehicle. As Officer A did so, a tactical unintentional discharge (TUD) occurred.

**Subject(s)                                      Deceased ( )                                      Wounded ( )                                      Non-Hit ( )**

Not Applicable.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force 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 investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board 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 June 22, 2021.

## **Incident Summary**

On July 31, 2020, at approximately 2224 hours, Communications Division (CD) broadcast a "459 Hot Prowl" radio call over the Hollenbeck Area Base Frequency, hereafter referred to as "Base." The call was immediately assigned to uniformed Police Officers A and B, who were partners.

At 2226 hours, Officer B notified CD they were responding to the call with emergency lights and siren (Code Three). While en route, Officers A and B monitored Base for additional information as they discussed the comments of the call.

At 2236 hours, Officer B broadcast the officers' status and location (Code Six). Simultaneously, Officer A drove north and positioned the police vehicle near the southwest corner of the property.

As the officers neared the radio call, an Air Unit observed a male in the rear yard of the residence and broadcast that information over Base. According to Officer A, upon hearing the broadcast, he/she realized the suspect was moving in his/her direction and considered the fact that burglary suspects are known to be armed with weapons. Based on those factors, Officer A elected to unholster his/her handgun upon the officers' arrival to the call.

According to Officer A, after stopping his/her police vehicle near the location of the call, he/she utilized his/her left hand to open his/her door and remove his/her safety belt while simultaneously utilizing his/her right hand to unholster his/her handgun. Once the handgun was out of its holster, he/she held it in front of his/her body in a close-contact position, while simultaneously using his/her left hand to grab the top of the pistol's slide. He/she did this in order to safely control the handgun with his/her left hand while freeing his/her right hand to place the vehicle in park and turn off the ignition. After turning off the ignition, Officer A began exiting the vehicle while simultaneously transitioning the handgun back into his/her right hand. As he/she did so, he/she unintentionally placed his/her finger on the trigger, causing the handgun to discharge a single round into the driver's door.

A review of BWV footage revealed that Officer A turned off the ignition but did not initially place the vehicle in park.

According to Officer A, he/she realized the Air Unit was still positioning units and the premises had not yet been checked for the suspect. As such, he/she believed it was prudent to handle the radio call and check the area for suspects before reporting the Non-Tactical Unintentional Discharge (NTUD) to a supervisor.

## **BWV and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>
Officer A	Yes	Yes	Yes	N/A
Officer B	Yes	Yes	Yes	N/A

## **Los Angeles Board of Police Commissioners' Findings**

### **A. Tactics**

The BOPC found Officer A's tactics to warrant Administrative Disapproval, and Officer B's tactics to warrant a Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officer A's first occurrence of drawing and exhibiting of a firearm to be Out of Policy. The BOPC also found Officer A's second and third occurrence, as well as Officer B's drawing and exhibiting of a firearm to be In Policy.

### **C. Unintentional Discharge**

The BOPC found Officer A's tactical unintentional discharge to be negligent.

## **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. It is also recognized 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. 4, 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.

**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.

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

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.

**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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

## **A. Tactics**

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

Tactical de-escalation does not require that an officer compromise his/his/her/his/her or his/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** – Officers A and B monitored the Hollenbeck Area base frequency for additional information as they discussed the comments of the radio call. Officers A and B began creating a plan and discussed their need for an Air Unit and additional patrol units. Officers A and B discussed possibly searching the location for suspects. Officer B requested an Air Unit.

**Assessment** – Officers A and B assessed prior to leaving their positions of cover by their police vehicle and observed a resident standing in the front yard of the residence. Officers A and B verbally engaged with the male and determined he resided at the location. Officers A and B were able to determine he was not a suspect connected to the radio call.

**Time** – Officer A heard the Air Unit broadcast there was a male approaching the front of the residence. Officer A believed the male was possibly a burglary suspect and was approaching his/her location. Officer A could not see the suspect described by the Air Unit but wanted to exit his/her police vehicle to be ready to address any threat the possible suspect presented.

The BOPC noted that Officer A's vehicle placement in front of the radio call location did not allow him/her enough distance to provide him/her with additional time to respond to the potential threat. The BOPC would have preferred that Officer A had parked his/her police vehicle at a position of advantage which would have provided him/her with additional distance from the potential suspect and therefore would have given him/her more time to respond.

**Redeployment and/or Containment** – Officer A exited his/her police vehicle and took a position of cover behind the ballistic door panel of his/her police vehicle. Officer B at the time was also positioned behind his/her ballistic door panel. Both officers maintained their positions of cover behind their respective door panels until they determined it was safe to approach the location.

**Other Resources** – Officers A and B discussed additional resources needed to adequately handle the radio call. Officer B requested an Air Unit, additional patrol units, and later in the incident, a supervisor.

**Lines of Communication** – Officers A and B discussed the comments of the radio call. Officers A and B discussed requesting an Air Unit and additional patrol units. Officers A and B discussed possibly searching the location for suspects. Officer B requested an Air Unit. Additionally, Officers A and B communicated with each other when Officer A discharged his/her service pistol. Officer A informed Officer B of his/her unintentional discharge. Officers A and B began communicating with residents of the location and eventually approached them. Officers A and B obtained consent to search the rear apartment of the property to look for the suspect.

The BOPC noted that Officers A and B would have benefited from further communication. Their lack of communication during Officer A's vehicle placement had multiple effects on the incident. Officer A placed him/herself and Officer B in a position of tactical disadvantage due to the close proximity to the radio call location. This limited Officer A's time to react to the possibility of the suspect approaching and caused him/her to exit his/her vehicle in a rushed manner.

The BOPC emphasized the importance of Officer B's role. In this incident, Officer B did not communicate with Officer A regarding their vehicle placement. The BOPC noted that partner officers are responsible for the safety of themselves and of each other.

- During its review of this incident, the BOPC noted the following tactical considerations:

**1. Tactical Vehicle Deployment** (Substantial Deviation Without Justification – Officer A)

Officer A received a radio call for a burglary. Officer A drove to the location and parked his/her police vehicle in front of the location, near the southwest corner of the property, placing him/herself in a disadvantageous position.

The BOPC noted that Officer A's vehicle placement had multiple effects on the incident. Officer A placed him/herself in a tactical danger zone due to the close proximity to the radio call location. This limited Officer A's time to react to the possibility of the suspect approaching and Officer A having to exit his/her vehicle with limited time. The BOPC would have preferred that Officer B communicate with Officer A and direct him/her to park in a tactically advantageous position. The BOPC would have preferred that the officers would have parked at least two houses away from the radio call location in order to provide themselves with additional distance, time, and overall situational awareness.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions were a not a deviation from approved Department tactical training.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

**2. Basic Firearm Safety Rules** (Substantial Deviation Without Justification – Officer A)

Officer A utilized his/her left hand to grasp the top of his/her service pistol's slide. Officer A utilized his/her right hand to turn off the ignition of his/her police vehicle. After turning off the ignition, Officer A utilized his/her right hand to take hold of his/her service pistol. Officer A began to stand up to exit his/her police vehicle. As he/she took hold of his/her service pistol, he/she placed his/her finger on his/her service pistol's trigger and fired one round, striking his/her front door panel.

The BOPC noted Officer A's choice in taking hold of the top of his/her service pistol's slide with his/her non-primary hand. The BOPC noted an alternative to this would have been transitioning his/her service pistol from a right-handed grip

to a single, left-handed grip. Additionally, had Officer A waited to draw his/her service pistol once outside of his/her police vehicle, he/she could have done so instead of holding his/her service pistol by the top of the slide with one hand while attempting to turn off his/her police vehicle's ignition.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:

**Vehicle Operations** – Officer A turned off the ignition to his/her police vehicle and did not place his/her vehicle's transmission into park prior to turning off the vehicle's ignition. Upon exiting the police vehicle and due to his/her vehicle's transmission not being placed into park, his/her police vehicle moved forward.

### **Command and Control**

- Sergeant A was the first supervisor to arrive on scene. Officer A notified Sergeant A of the Tactical Unintentional Discharge. Sergeant A obtained a Public Safety Statement (PSS) from Officer A and separated and monitored him/her at the scene of the incident. Sergeant A ensured that a crime scene was established to preserve investigative integrity and assigned personnel at scene to canvass for possible witnesses and victims for the TUD. Officer A left his/her service pistol in his/her holster and did not manipulate his/her service pistol, thereby preserving the evidence for FID investigators. Sergeant A took custody of the DICVS and the BWV devices for both Officers A and B. Sergeant A transported Officer A to the Hollenbeck Patrol Division, Community Police Station (CPS), and continued monitoring Officer A until he/she was relieved by Sergeant B.

The BOPC noted that Sergeant A arrived and ensured the tactical incident was completed. Sergeant A identified that the incident was an unintentional discharge and utilized the appropriate protocols subsequent to a Categorical Use of Force (CUOF) by separating, monitoring, and notifying the appropriate entities.

The actions of Sergeant A were consistent with Department supervisory training.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the

appropriate forum for involved personnel to discuss individual actions that took place during this incident.

The BOPC found Officer A's tactics to warrant Administrative Disapproval, and Officer B's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer A**

### First Occurrence

According to Officer A, he/she believed burglary suspects were known to be armed with "weapons and guns." Officer A "feared" for both his/her "safety and my partner's safety." When Officer A stopped his/her police vehicle, he/she utilized his/her left hand to open the driver's door of the police vehicle then to remove his/her safety belt. Simultaneously, Officer A utilized his/her right hand to draw his/her service pistol. Once his/her service pistol was out of its holster, Officer A held it in his/her right, "primary" hand in front of his/her body in a close-contact position. Simultaneously, Officer A utilized his/her left hand to grasp the top of his/her service pistol's "slide" in order to free his/her right hand to turn off the police vehicle's ignition.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer A's drawing and exhibiting of his/her service pistol. Officers A and B received a hot prowler burglary radio call and responded to the location. Upon their arrival, Officer A heard the Air Unit's broadcast, which indicated the possible suspect of the hot prowler burglary radio call was walking in Officers' A and B's direction. Additionally, the Air Unit broadcast there were approximately four people in the backyard of the radio call location with flashlights. Due to Officer A's training and experience, he/she believed burglary suspects carried weapons and tools which could be utilized as weapons. Officer A believed the situation could rise to the level of deadly force and therefore could necessitate the use of deadly force. Officer A stated that he/she drew his/her service pistol for these reasons and to protect him/herself and his/her partner from harm.

In this tactical situation, Officer A's initial drawing of his/her service pistol limited Officer A's control of the police vehicle and forced his/her to multi-task by maintaining control of his/her service pistol with one hand and operate the police vehicle with his/her other hand. In this case Officer B had the primary responsibility of the designated cover officer and Officer A's primary responsibility was to safely operate the police vehicle.

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

situation may escalate to the point where deadly force may be justified. However, in further consideration of the facts of this incident the BOPC determined that Officer A's primary responsibility was to safely operate the police vehicle and that the premature drawing of his/her service pistol jeopardized the safe operation of the police vehicle.

Therefore, the BOPC found Officer A's first drawing and exhibiting of a firearm to be Out of Policy.

### Second Occurrence

According to Officer A, after he/she discharged his/her service pistol, he/she observed his/her police vehicle's transmission was not in park and the vehicle was rolling forward. Officer A wanted to correctly place the vehicle's transmission in park without his/her service pistol in [his/her] hand. Officer A holstered his/her service pistol. While seated in the front driver's seat, Officer A turned on the ignition of his/her police vehicle and placed the transmission in park. Officer A turned off the ignition of his/her police vehicle and unholstered his/her service pistol to conduct a visual administrative inspection of the weapon. After completing his/her visual inspection, Officer A returned his/her service pistol to its holster. Officer A re-entered his/her police vehicle, placed his/her foot onto the brake, turned his/her police vehicle's ignition on, and placed the transmission in "park." After placing the police vehicle's transmission in park, Officer A returned his/her attention to the radio call. Officer A believed the suspect was still approaching the officers' direction and believed the suspect still posed a "threat." Officer A exited his/her police vehicle, drew his/her service pistol a second time, and positioned him/herself behind the ballistic door panel of his/her police vehicle. Residents of the radio call location began speaking with Officers A and B. Officer A holstered his/her service pistol a second time when he/she began talking with the residents of the radio call location.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer A's second drawing and exhibiting of his/her service pistol. After Officer A's unintentional discharge, he/she holstered his/her service pistol in order to have his/her hands free so he/she could place his/her police vehicle's transmission in park. While seated in the front driver's seat, Officer A turned on the ignition of his/her police vehicle and placed the transmission in park. Officer A turned off the ignition of his/her police vehicle and unholstered his/her service pistol to conduct a visual administrative inspection of the weapon. After completing his/her visual inspection Officer A returned his/her service pistol to its holster. Officer A then returned his/her attention to the radio call and believed that he/she still needed to address the tactical situation. With the police vehicle now in park with the ignition off, Officer A exited the police vehicle and stood behind his/her door panel and assessed the radio call location. Officer A still believed the possible hot prowl suspect was possibly walking toward him/herself and Officer B. Based on his/her training and experience, Officer A believed burglary suspects were known to utilize and arm themselves with weapons or various tools which could be used as

weapons. Officer A believed the situation could escalate to and necessitate the use of deadly force. Therefore, Officer A drew his/her service pistol a second time.

The BOPC discussed that Officer A had holstered his/her service pistol in order to place his/her police vehicle's transmission in park and not because the threat had ceased. Furthermore, the BOPC discussed the reasonableness of Officer A's decision to unholster and visually inspect his/her weapon following the unintentional discharge. The Board determined that the action was not unreasonable and was consistent with training to visually inspect a weapon that may have malfunctioned. The BOPC believed the tactical situation was still ongoing and Officer A's actions of exiting his/her vehicle and drawing his/her service pistol a second time after placing his/her vehicle's transmission in park was in response to the ongoing threat posed by the possibility of the suspect approaching Officers A and B. Therefore, the BOPC determined that Officer A's second drawing and exhibiting of a firearm was In Policy.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, 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 second drawing and exhibiting of a firearm to be In Policy.

### Third Occurrence

According to Officer A, after gathering information from the resident, he/she and Officer B believed the suspect could have been hiding in the rear apartment location of the property. Officer A obtained permission from the resident to search the "rear apartment" on the property for the burglary suspect. Officer A drew his/her service pistol a third time to conduct the search. Officer A drew his/her service pistol because he/she did not know "whether the suspect" was "at the location or hiding in the rear of the location." Officers A and B did not locate the suspect during their search.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer A's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer A considered the possibility that the suspect could have hidden in the rear apartment on the property. Based on his/her training and experience, Officer A believed that burglary suspects were known to utilize and arm themselves with weapons or various tools which could be used as weapons. Officer A believed the situation could escalate to and necessitate the use of deadly force. Therefore, Officer A drew his/her service pistol.

Based upon the totality of the circumstances, the BOPC determined, and the BOPC concurred, that an officer with similar training and experience as Officer A, while faced with similar circumstances, 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 third drawing and exhibiting of a firearm to be In Policy.

- **Officer B**

First Occurrence

According to Officer B, Officer A parked their police vehicle and had heard the Air Unit state there were people with flashlights on the property. Officer B believed drawing his/her service pistol was necessary based on his/her understanding that burglary suspects usually carry weapons. Officer B stepped "out" of his/her police vehicle from the front passenger seat and felt the police vehicle was still in motion. Officer B warned Officer A that the police vehicle was still moving. Simultaneously Officer B heard a "pop," but did not recognize the sound as a gunshot. Officer B inquired, "What was that?" Officer A replied, "I think I had a discharge." After Officer A placed their police vehicle in park, Officer B drew his/her service pistol and held it in a "low- ready" position. Officer B maintained a position of cover behind his/her vehicle door.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. Officers A and B received a hot prowl burglary radio call and responded to the location. Upon their arrival, Officer B heard that there were people on the property in the backyard with flashlights, as reported by the Air Unit. Officer B believed the people may have been possible burglary suspects. Due to Officer B's training and experience, he/she believed burglary suspects carried weapons and tools which could be utilized as weapons. Officer B believed the situation could rise to the level of deadly force and therefore could necessitate the use of deadly force. Officer B stated he/she drew his/her service pistol for these reasons.

Second Occurrence

According to Officer B, he/she and Officer A, along with an additional unit, searched the residence to check for the burglary suspect. Officer B believed that if the suspect was in the residence, the situation could lead to a situation involving deadly force. Officer B drew his/her service pistol a second time to complete the search. Officer B maintained his/her finger along the frame of his/her service pistol during his/her drawing and the subsequent search.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer B considered the possibility that the suspect could have hidden in the rear apartment on the property. Based on his/her training and experience, Officer B believed that burglary suspects were known to utilize and arm themselves with weapons or various tools which could be used as weapons. Officer

B believed the situation could escalate to and necessitate the use of deadly force. Therefore, Officer B drew his/her service pistol.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances, 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 B's drawing and exhibiting of a firearm to be In Policy.

### **C. Unintentional Discharge**

- **Background** – According to the FID investigation, one bullet impact was identified in the front driver's door panel of Officer A's police vehicle. The FID investigation determined the background of Officer A's discharged round was the interior portion of Officer A's ballistic door where the bullet was found, the asphalt roadway, and two parked vehicles.
- **Officer A** – (pistol, one round) in a downward trajectory into the police vehicle driver's interior door panel.

According to A, after turning off the police vehicle's ignition, he/she began exiting the police vehicle. Officer A wanted to "get out" of the car and have his/her service pistol "ready." Simultaneously, Officer A was holding his/her service pistol in his/her left hand and began transitioning his/her service pistol back into his/her right "primary" hand. As Officer A transitioned his/her service pistol back to his/her right hand, he/she took hold of his/her service pistol with his/her right hand and unintentionally placed his/her "finger on the trigger." Officer A's actions caused his/her service pistol to discharge a single round into the driver's door of the police vehicle. Officer A told Officer B that he/she had a "discharge."

The BOPC noted that Officer A transitioned his/her service pistol to his/her support hand in an effort to turn off the ignition of her police vehicle. As Officer A attempted to exit his/her vehicle, his/her right index finger entered the trigger guard of his/her service pistol and his/her service pistol unintentionally discharged. The BOPC opined that there were numerous factors which contributed to Officer A's unintentional discharge. One factor was Officer A's attempt to turn off the vehicle ignition with his/her primary hand while holding his/her service pistol by the top of its slide with his/her support hand. Additionally, Officer A's proximity to the radio call location, and thus the possible suspect, contributed to his/her sense of urgency and limited his/her available time. Officer A did not place her police vehicle's transmission in park, causing the police vehicle to roll forward as he/she was exiting and transitioning his/her service pistol from his/her right hand to his/her left. However, the most prominent factor contributing to Officer A's unintentional discharge was negligence in adhering to Department policies and training.

Based on the totality of the circumstances, the BOPC determined that Officer A's TUD was the result of operator error and a failure to adhere to the Department's Basic Firearm Safety Rules. Thus, the BOPC found Officer A's tactical unintentional discharge to be negligent.