



## **Incident Summary**

Detective A was following a murder suspect in a vehicle and requested a back-up and an Air Unit. Detective A described the suspect as a female passenger, who was traveling in a newer model, dark gray BMW, with no plates. Detective A also broadcast that the handgun used in the crime was outstanding.

The investigation determined that the vehicle was being driven by Subject 1 and the wanted suspect was the passenger, Subject 2.

Officers A and B responded to the area of the request. The officers were equipped with Body Worn Video (BWV) cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white vehicle, which was equipped with ballistic door panels and a Digital In-Car Video System (DICVS). Both officers' BWV and DICVS were activated.

According to Officer A, while driving east, he/she observed the dark gray BMW traveling west, in his/her direction. Officer A conducted a U-turn and began to follow the suspect vehicle.

Officers C and D also responded to the area. The officers were equipped with BWV cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white Sport Utility patrol vehicle, which was equipped with ballistic door panels and a DICVS. Both officers' BWV and DICVS were activated.

According to Officer D, this was his/her first day working with Officer C. They did not have any discussion regarding tactics prior to going out on patrol or while en route to the incident.

According to Officer D, while he/she and his/her partner were en route to the call, Detective A broadcast that the suspect was possibly armed with a handgun. An Air Unit arrived at the following and requested that marked units take over.

Officer D stated that at some point, the Air Unit broadcast that the suspect vehicle conducted a U-turn and was now traveling westbound. A review of the frequency revealed that the Air Unit broadcast the suspect vehicle was driving west and requested black and white units to conduct U-turns.

Shortly after the patrol units began to follow the suspect vehicle, a pursuit was declared. The units pursued the vehicle for a short time before the vehicle slowed and came to a stop in the number three lane of the roadway.

Officers A and B stopped their vehicle behind the suspect vehicle. Officers C and D's vehicle was stopped to the left of Officers A and B's vehicle. Officers E and F arrived moments later and stopped their vehicle to the left of Officers C and D's vehicle.

Sergeant A arrived on scene and positioned his/her vehicle behind Officers E and F's vehicle.

According to Officer D, when the pursuit ended, prior to exiting his/her vehicle, he/she used his/her left hand to key the radio microphone and updated his/her status and location (Code-Six), over the police radio. Officer D exited, stood behind the open door, and used his/her left hand to unholster his/her service pistol. While holding the pistol in his/her left hand, Officer D moved his/her right hand toward his/her pistol, to hold it in a two-handed shooting grip. As Officer D pushed his/her pistol forward, into a low-ready position, between the vehicle and the open door, a single round discharged in a northwest direction, toward a vacant building.

According to Subject 1, after stopping the BMW, the police began to give him commands when he heard a "pop," that he believed to be gunfire.

Officer D stated that prior to his/her pistol discharging, the Subjects had not yet exited their vehicle and he/she could not clearly see any of their actions within the vehicle. According to Officer D, he/she did not realize his/her finger went onto the trigger until after the pistol discharged. Officer D stated that he/she then immediately opened his/her hand because he/she did not want to discharge any additional rounds.

According to Sergeant A, as he/she exited his/her vehicle, he/she heard a gunshot. Based on the sound of the gunshot, Sergeant A believed one of his/her officers had fired, not one of the Subjects. Sergeant A's BWV captured him/her broadcast, "We got shots fired." Sergeant A then made a subsequent broadcast, "Make this a help call."

Sergeant A began to check on the safety of each officer. Sergeant A's BWV captured him/her approach Officers A and D and ask, "Who shot their gun?" Officer D's BWV captured him/her reply, "I did. Accident... Accidental," as he/she raised his/her right hand. Sergeant A directed Officer D to holster his/her pistol, which he/she did.

According to Officer D, he/she then backed away from his/her vehicle door and allowed another officer at scene to take his/her place.

Sergeant A formed two arrest teams to take Subjects 1 and 2 into custody. According to Sergeant A, he/she assigned Officer D to one of the two arrest teams. Sergeant A noted that Officer D seemed really upset and he/she wanted Officer D to redirect his/her focus. Sergeant B arrived on scene. Sergeant A directed Sergeant B to oversee the clearing of the suspect vehicle.

While Officer D was standing with the arrest team, Officer D's BWV captured Officer A tell Officer D that he/she should mark his/her discharged cartridge case with a Field Interview (FI) Card, which he/she did.

Subject 1 and Subject 2 were taken into custody without further incident. Although Officer D had been assigned to an arrest team, he/she ultimately did not have any

physical contact with either of the Subjects.

Sergeant B obtained the Public Safety Statement (PSS), separated, and monitored Officer D. Sergeant A then directed officers to begin a crime scene log, look for a bullet impact, and conduct a canvass for witnesses.

No officers or civilians were injured during the incident.

Force Investigation Division Detectives reviewed all documents and circumstances surrounding the separation, and monitoring of the involved officers.

### **BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	No	Yes	Yes	Yes
Officer D	Yes	No	Yes	Yes	Yes
Sergeant A	No	Yes	Yes	Yes	Yes

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

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

#### **A. Tactics**

The BOPC found Officers C and D's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers C and D's drawing and exhibiting of a firearm to be In Policy.

#### **C. Unintentional Discharge**

The BOPC found Officer D's tactical unintentional discharge to be Negligent.

## **Basis for Findings**

### **A. Tactics**

#### *Tactical De-Escalation Techniques*

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

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

**Planning** – According to Officer C, he/she was assigned as the driver officer and would be the contact officer. Officer D was the passenger officer and would be the cover officer unless the situation changed. Officer C stated they discussed weapon systems and back-ups. Officer C believed they had checked out a 40 millimeter less-lethal launcher (40mm LLL) that day to have a less-lethal option with them.

While en route to the back-up request, Officer D verbally advised the reason for the back-up and the suspect vehicle's direction of travel to Officer C. Officer C and D planned to respond and stage in the area should they be needed. Officer D did not recall discussing tactics or roles at the beginning of the shift with Officer C.

The BOPC noted that although Officers C and D had continuous discussions in the police vehicle while responding to the back-up request by communicating pertinent details regarding the suspects, the suspect vehicle, and the nature of the back-up, as well as attempting to broadcast over the radio, Officers C and D had differing accounts as to a discussion about tactics and roles. The BOPC would have preferred that Officers C and D had a discussion of tactical roles prior to this incident.

Sergeant A responded to the back-up request and while en route, began forming a plan as he/she responded. Sergeant A broadcast that plan to the responding patrol units and monitored the incident while responding. Sergeant A immediately took an active leadership role in the high-risk vehicle pullover by moving to each of the involved units and discussing a plan. Sergeant A formed a plan involving multiple teams to facilitate the arrest of the occupants within the BMW and delegated tactical roles to the involved team members.

**Assessment** – Officers C and D continuously assessed and discussed the best route to take based on the broadcast direction of travel taken by the BMW. Officer D, cognizant of the approaching BMW, advised Officer C to shut down their emergency lights when the BMW was approaching in order to not alert the suspects.

Officers C and D monitored their police vehicle radio and adjusted their direction of travel based on the broadcast information from the Air Unit, Detective A, and Communications Division.

As Officer D exited his/her police vehicle, he/she drew his/her service pistol and began to assume a shooting stance behind the ballistic door panel. As he/she pushed his/her service pistol forward with a two-handed grip, a single round was unintentionally discharged in a northwest direction.

The BOPC noted that at the time of the unintentional discharge, Officer D's background, as depicted in his/her BWV, included a building and the occupied suspect vehicle in close proximity. The incident occurred in a residential area during daylight hours in the afternoon. Vehicular traffic was moderate. Due to the nature of the back-up request resulting in numerous officers responding to the location, several officers were standing on either side of and behind Officer D. Officer D was reminded that an officer's background is an important consideration during a tactical encounter where there is a potential for injury to other officers and community members in the immediate area.

Sergeant A made assessments throughout the incident as he/she monitored the radio communications and directed responding resources as a result. Upon arriving at scene, Sergeant A assessed the officers' welfare and made assessments as to what was needed to take Subjects 1 and 2 into custody. Upon locating the shooting officer, Sergeant A had Officer D holster his/her service pistol, replaced Officer D with another officer from his/her position behind the ballistic vehicle door panel, and asked Officer D to assess him/her. Sergeant A also assessed there were several officers with their service pistols drawn and officers responding with rifles. Sergeant A began advising additional officers to holster their service pistols and to secure their rifles and shotguns.

Sergeant B met with Sergeant A and assisted with the arrest and clearance teams. Sergeant B assessed that Officer D had discharged his/her service pistol. Sergeant B separated Officer D, admonished Officer D, and obtained a PSS from Officer D. According to Officer C, he/she walked up to Officer D as Sergeant B was asking the PSS questions. Sergeant B directed Officer C to leave the area so Sergeant B could continue to obtain a PSS from Officer D.

The BOPC discussed Sergeant A's active leadership role while responding to the incident by directing patrol resources as they responded to the back-up request. Sergeant A designated less-lethal options, formed arrest teams, communicated the plans to the officers at scene, and identified the officer who had discharged his/her

service pistol. However, the BOPC would have preferred that Sergeant A had additional officers holster their weapons to avoid any crossfire occurrences as the arrest team moved to take the Subjects into custody. In addition, although Sergeant A believed he/she was assisting Officer D by refocusing his/her attention in utilizing Officer D in the arrest team, the BOPC would have preferred that Officer D remain separated and not be utilized as part of an arrest team as sufficient resources were present.

**Time** – Upon arrival at the termination of the pursuit, Officers C and D utilized time to their advantage and stood behind their ballistic doors while the high-risk vehicle pullover was conducted in conjunction with the primary unit.

Sergeant A utilized time to create plans, form arrest teams, and communicate to the officers at scene as the plans were methodically implemented in order to take Subjects 1 and 2 into custody without jeopardizing the officers. Sergeant A utilized time to ensure that all the officers assigned to the arrest and clearance teams understood their roles and scope of responsibility.

During the physical arrest of the Subject, Sergeant A utilized Officer D on an arrest team. According to Sergeant A, he/she wanted to refocus Officer D on the task of effecting the arrest of Subject 2 because Officer D appeared distracted. Sergeant A also believed that he/she did not have enough personnel to complete a high-risk vehicle pullover and detention.

The BOPC would have preferred, that Officer D not be utilized as part of an arrest team as there was sufficient time to acquire additional personnel for that task and an adequate number of personnel were already on scene.

**Redeployment and/or Containment** – During the high-risk pullover of the suspect vehicle, Officer C positioned the police vehicle in a proper high-risk pullover formation which allowed the officers to contain Subject 1, Subject 2, and the BMW.

Sergeant A moved officers at scene into position to form an arrest team and to form a team to clear the unsearched vehicle.

**Lines of Communication** – Officer D advised Communications Division that they were the secondary unit in the following. Officer D also advised Communications Division that they were Code Six on the BMW with the primary unit. Officer D identified him/herself as the officer involved in the tactical unintentional discharge (TUD) when queried by Sergeant A.

Initially, officers gave the Subjects multiple commands and talked over each other. Additional officers at scene began issuing verbal commands which were ineffective, so officers utilized the public address (PA) in the police vehicle to issue clear verbal commands to Subjects 1 and 2. This contributed to the Subjects being taken into custody without further incident.

Sergeant A broadcast a plan over the police radio to the responding patrol units while he/she was en route to the back-up request. Sergeant A declared him/herself as Incident Commander (IC) and upgraded the incident to a “shots fired” and a “help call.” Sergeant A continuously communicated with his/her officers at scene which allowed him/her to assign roles in the high-risk vehicle pullover, reduce the number of service pistols drawn, and effectively take the Subjects into custody without incident.

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

### **1. Background**

As Officer D exited his/her police vehicle, he/she drew his/her service pistol and began to assume a shooting stance behind the ballistic door panel. As he/she pushed his/her service pistol forward with a two-handed grip, a single round was unintentionally discharged in a northwest direction.

The BOPC noted that at the time of the unintentional discharge, Officer D’s background, as depicted in his/her BWV, included a building and the occupied suspect vehicle in close proximity. The incident occurred in a residential area during daylight hours in the afternoon. Vehicular traffic was moderate. Due to the nature of the back-up request resulting in numerous officers responding to the location, several officers were standing on either side of and behind Officer D. Officer D was reminded that an officer’s background is an important consideration during a tactical encounter where there is a potential for injury to other officers and community members in the immediate area.

### **2. Tactical Communication/Tactical Planning**

According to Officer C, he/she and Officer D discussed what type of firearms they carried and the roles of contact and cover officer and backups. As the passenger officer, Officer D would handle communications due to Officer C being the driver of the police vehicle for their shift. Officers C and D planned to respond and stage in the area should they be needed; however, Officer D did not recall discussing tactical roles prior to he/she and Officer C working together. While en route to the back-up request, Officer D was clearing intersections for Officer C, verbally communicated information pertaining to the back-up request by the undercover officers, and the suspect vehicle’s direction of travel to Officer C. Officer D communicated to Officer C that this was a homicide suspect and the suspect could still be armed and that there was a male and female in the BMW. Officer D communicated to his/her partner to deactivate the police vehicle’s emergency lights and siren as they were in the area which was a part of their planning process to not alert the suspects.

These topics were to be discussed at the Tactical Debrief.

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

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

In conducting an objective assessment of this case the BOPC determined that the tactics utilized by Officers C and D did not substantially deviate from approved Department tactical training.

Thus, the BOPC found Officers C and D's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- According to Officer D, he/she unholstered his/her service pistol because he/she believed there was a substantial risk that the situation could escalate to the point where deadly force could be justified due to the suspect being a murder with an outstanding weapon.

According to Officer C, he/she unholstered his/her service pistol after exiting the police vehicle while standing behind the police vehicle's ballistic door because Officer C knew Subject 2 had used violence against another person. Officer C stated that he/she believed Subject 2 was possibly armed and was a murder suspect and that there was a possibility the situation could escalate to the point where he/she would have to protect him/herself, his/her partner, other officers, and members of the public.

The BOPC noted that Officers C and D had knowledge that an occupant within the vehicle was wanted for homicide and that the handgun utilized in the crime was still outstanding.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C and D 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. Therefore, the BOPC found Officers C and D's drawing and exhibiting of a firearm to be In Policy.

### C. Unintentional Discharge

- **Officer D** – (pistol, one round)

According to Officer D, he/she drew his/her service pistol too quickly and failed to maintain proper trigger finger placement along his/her service pistol's frame. Officer D's left index finger entered the trigger guard and caused one round to discharge from his/her service pistol.

The BOPC discussed that Officer D had just keyed his/her radio microphone with his/her left index finger while holding the radio in his/her left hand, prior to unholstering his/her service pistol with his/her left hand. As Officer D fully extended his/her arms out in a two-handed shooting grip, Officer D's left index finger moved into the trigger guard, causing a round to discharge from his/her service pistol. Noting that Officer D did not realize his/her left finger had depressed the trigger on his/her service pistol, the BOPC discussed that Officer D could benefit from training in drawing his/her service pistol, while under stressful conditions, to assist him/her in controlling his/her muscle memory and finger reflexes.

Based on the totality of the circumstances, the BOPC determined that the unintentional discharge was the result of operator error and a failure to adhere to the Department's Basic Firearm Safety Rules, thus requiring a finding that the unintentional discharge was Negligent.

#### **Additional**

- **Body Worn Video (BWV)** – Officer D's BWV did not have the appropriate two-minute BWV pre-activation buffer. However, Officer D had his/her BWV activated during his/her Code Three response to the back-up request and the subsequent TUD. This issue was brought to the attention the division commander who advised the issue would be addressed with the officer.

The Office of Operations conducted a random inspection of BWVs associated to Officer D from December 31, 2019 through May 30, 2020, for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection indicated that Officer D had two prior deviations. The results of the inspection indicated that Officer D was out of compliance with BWV policy and corrective action was initiated.

Officer C did not have the appropriate two-minute BWV pre-activation buffer. However, Officer C had his/her BWV activated during his/her emergency Code Three response to the back-up request and the subsequent TUD. This issue was brought to the attention of the division commander who advised the issue would be addressed through with the officer.

The Office of Operations conducted a random inspection of BWVs associated to

Officer C from May 1, 2020 through May 30, 2020, for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection indicated Officer C had two prior deviations. The results of the inspection indicated Officer C was out of compliance with BWV policy and corrective action was initiated.

Sergeant A had a late activation of his/her BWV. Sergeant A activated his/her BWV approximately 1.10 minutes after he/she initiated his/her Code Three response to the back-up/supervisor request. This issue was brought to the attention of the division commander who advised the issue would be addressed with the sergeant.

The Office of Operations conducted a random inspection of BWVs associated to Sergeant A from March 3, 2020 through May 30, 2020, for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection indicated Sergeant A had no prior deviations.

### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)** – Officer D’s police vehicle was equipped with DICV. It did not capture the TUD as Officer D was not in front of the dash mounted camera. Multiple responding officers were equipped with DICV but none of their DICV captured the TUD.
- **Body Worn Video (BWV)** – Officer D’s BWV captured the TUD. Multiple responding officers were equipped with BWV but none of their BWV captured the TUD.