

turn. Officer A conducted a want and warrants check on the vehicle, which revealed the vehicle was stolen.

Officer A advised his partner of the stolen vehicle information. As they followed the vehicle, Officer A grasped the police vehicle's attached radio microphone with his left hand. His intention was to advise Communications Division (CD) that the officers were following a stolen vehicle and to give their direction of travel. However, the stolen vehicle abruptly pulled to the right side of the street and stopped. According to Officer B, he had not yet activated his overhead, forward-facing emergency lights when the driver pulled over.

Officer A simultaneously dropped the radio microphone on the seat and while seated, unholstered his pistol with his right hand. He stated the reason he unholstered his pistol was because he believed the situation could lead to the use of deadly force.

Officer A pointed the muzzle of his pistol over the vehicle's dashboard toward the stolen vehicle with his right index finger alongside the frame of his pistol. He then brought his left hand under his extended right arm and opened the car door. Officer A planted his right foot on the ground and began to exit his vehicle in a crouched position to utilize the ballistic door for cover. As he brought his left foot out of the vehicle, he felt himself losing his balance. As he began to regain his balance, while holding the pistol, he brought his right hand down from above. Officer A stated that at that time he unintentionally placed his right index finger on the trigger, and with the muzzle pointed at the ground, unintentionally discharged his pistol one time. The bullet struck the street approximately one foot from Officer A's position; no one was injured.

After Officer A regained his balance, he immediately advised his partner that he was the cause of the gunfire, not the subject(s). Officer B communicated with Officer A that they would continue to handle the tactical situation at hand and then report the unintentional discharge to an arriving supervisor.

Officer A utilized his hand-held radio and advised CD of the officers' status and location (Code Six) with a stolen vehicle and that they needed back-up, an Air Unit, and a supervisor. Officer A advised CD that the vehicle was stopped and they had one suspect with his hands up. Additional officers responded and assisted Officers A and B with the arrest of the driver and front passenger.

After the occupants of the stolen vehicle were detained, Officer A holstered his pistol and advised Sergeant A that he had an unintentional discharge. Sergeant A ensured that no one was injured and ensured the necessary notifications were made.

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 most cases, 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). In this incident, there was no Drawing/Exhibiting of a firearm, and no Use of Force by the officer involved. All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers will benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Officer A's tactics 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. Unintentional Discharge

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

Basis for Findings

A. Tactics

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

The BOPC found Officer A's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and his partner had just located a reported stolen vehicle traveling on side streets in their area of assignment and were about to broadcast accordingly when the vehicle abruptly pulled to the curb and stopped. Officer A recognized the potential threat and drew his service pistol.

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 that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

- **Officer A** – (pistol, one round)

According to Officer A, he held his service pistol in his right hand as he opened the door with his left hand and began to exit the vehicle. As he was getting out of the vehicle, he tripped, lost his balance, and subsequently moved his finger to the trigger, thus unintentionally firing one round.

The BOPC determined that the TUD was the result of operator error as Officer A attempted to regain his balance and placed his hand on the trigger, resulting in an unintentional discharge of one round in a downward direction into the ground.

Officer A's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Negligent.

