



## **Incident Summary**

On September 15, 2022, approximately five hours after officers had responded to a prior radio call at the same location, Communications Division broadcast an “ADW shooting just occurred” radio call.

Sergeant B was the first supervisor to arrive at the scene. When he/she arrived, an officer was interviewing Witness A in the apartment lobby. As the officer continued to get information, Sergeant B assigned roles and directed officers to set up containment around the apartment. Sergeant B later joined the officers in the interior hallway outside the front door of the apartment and asked for an update over the radio. Sergeant B was told that Witness A confirmed that a shooting occurred during the prior incident. Sergeant B then broadcast the information to responding officers and advised them to don their helmets before he/she declared him/herself the incident commander (IC).

According to Sergeant B, he/she positioned a team of officers in the hallway leading to the apartment because there was no “*tactically sound*” location for officers to have cover and concealment while monitoring the door. He/she also considered the long length of the hallway and believed that being farther down the hallway would expose residents in the neighboring apartments to a potentially armed suspect.

Shortly after staging in the hallway, Sergeant B directed Officer C, the team leader, to ensure that all officers donned their ballistic helmets. Officer C then directed Officer A to retrieve a ballistic shield and helmets for him/her and the other officers. When Officer A returned with the shield, he/she positioned him/herself at the front of the line of officers on the west side of the apartment door. Officer A held the shield in front of him/her with his/her left arm while holding his/her pistol with his/her right hand.

Approximately 27 minutes after Officer A positioned him/herself outside the door, Sergeant A arrived and assumed the role of the tactical supervisor. Sergeant A joined the officers in the hallway and requested Officer C to brief him/her. According to Sergeant A, he/she ensured that a ballistic shield, designated cover officer (DCO), less-lethal force officer, and arrest team were in place. He/she remained in communication with Sergeant B, who continued his/her role as the IC and worked to obtain further information on the suspect. Additionally, Sergeant B contacted Metropolitan Division and requested officers from Special Weapons and Tactics (SWAT) to respond. Sergeant B periodically returned to the hallway to check on the status of the officers, and Sergeant B remained in contact with Sergeant A to relay information.

The ballistic shield used by Officer A weighs approximately 18 pounds and is 20 by 30 inches at its widest and longest points. Additionally, the shield is equipped with a forearm strap that the user can place their arm through to assist in supporting the weight of the shield and increase maneuverability while still grasping the handle with the same arm.

Officer D, who was positioned behind Officer A, helped him/her reposition the shield. According to Officer D, he/she noticed that Officer A was not utilizing the forearm strap of the shield. Officer D assisted Officer A in placing his/her left arm under the forearm strap to assist in supporting the weight of the shield along with the use of the handle. Officer A maintained his/her position near the front door, and again gripped the handle of the shield with his/her left hand, but his/her left forearm was now positioned under the forearm strap. Officer A held the shield inverted, with his/her left arm extended down in front of the left side of his/her body. While doing so, he/she continued to hold his/her pistol in his/her right hand with the muzzle pointed at the floor.

Officer A lost his/her grip on the shield's handle, the shield slipped down his/her left arm, and he/she caught it by the forearm strap.

According to Officer A, he/she realized that holding the shield by the forearm strap would not allow him/her to bring the shield up and use it as cover if needed. Officer A elected to use his/her pistol to lift the shield in an attempt to reacquire his/her grip on the shield's handle. Officer A placed the top of his/her pistol's slide under the handle of the shield to lift it. As he/she did so, his/her pistol slipped off the handle, causing it to turn inward toward his/her left leg.

When Officer A attempted to adjust his/her grip on the pistol, his/her index finger moved from the slide to the trigger, and he/she unintentionally fired one round into his/her left leg. The round exited Officer A's thigh and impacted the ground. No one else was injured by the round.

Officer A mistakenly believed that he/she lifted the shield with his/her pistol from the edge of the shield, not the handle.

Immediately after the TUD, Officer A dropped the shield and his/her pistol on the floor. Officer A advised the other officers that it was an accident and the shield slipped.

Officer A then sat on the floor before being directed onto his/her back. Officers applied a tourniquet to Officer A's left leg while Officer C requested a Rescue Ambulance (RA). As the officers treated Officer A, Sergeant A ensured that the other officers held their positions in the hallway.

Officers carried Officer A out of the apartment complex to the street, where he/she would be easily accessible to the RA. Once there, they continued to provide medical aid until the arrival of the Los Angeles Fire Department (LAFD) RA.

Approximately 10 minutes after the discharge, LAFD Firefighter/Paramedics (FFPMs) arrived and began assessing Officer A. They transported him/her to the hospital, where he/she was treated for a gunshot wound to the upper portion of his/her left leg. He/she was admitted for observation and released the following day.

## **Body-Worn Video (BWV) and Digital In-Car Video (DICV) 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 DICV ACTIVATION</b>	<b>DICV RECORDING OF ENTIRE INCIDENT</b>
Officer A	Yes	Yes	Yes	N/A	N/A
Sergeant A	Yes	Yes	Yes	N/A	N/A

## **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. 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 Officer A and Sergeant A's tactics to warrant a finding of Administrative Disapproval.

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

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

### **C. Tactical Unintentional Discharge (TUD)**

The BOPC found Officer A's TUD 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. 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 suspect 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 suspected 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 suspect 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, suspects, persons in custody, suspects 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 suspect.

## 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 suspect 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 does not require that an officer compromise his/her/hers 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.

Officer A was engaged in a tactical operation during this incident; however, the TUD occurred prior to any encounter with a suspect. Therefore, he/she was not evaluated for tactical de-escalation.

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

- **Basic Firearm Safety Rules**

When the shield slipped from Officer A's grip, he/she attempted to reacquire the handle by using the slide of his/her pistol to lift the shield up. In doing so, Officer A allowed the muzzle to cover his/her left leg and subsequently placed his/her finger on the trigger, causing the TUD.

The BOPC assessed Officer A's adherence to the Basic Firearm Safety Rules during a tactical incident. The BOPC was critical of Officer A's use of his/her pistol to manipulate another object. The BOPC noted that rather than holster his/her pistol to safely adjust his/her grip on the shield, Officer A made the decision to place his/her pistol against the handle of the shield and use it to lift the shield. The unsafe handling of his/her pistol led to Officer A violating multiple Basic Firearm Safety Rules. These rules have been put in place to prevent the inherent danger of unintentional discharges. In this instance, Officer A had a TUD due to his/her violation of these established rules.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer A were a substantial deviation, without justification, from Department-approved tactical training.

The BOPC also considered the following:

- **Situational Awareness** – Despite the situation being stagnant while notifications were being made, and no indication that they would soon be making entry into the apartment, officers were positioned on both sides of the door to the apartment. This created the potential for a crossfire situation, had the suspect exited the apartment. Alternatively, the officers could have taken a tactical position on one side of the door. They also could have positioned themselves down the hallway, further from the suspect's apartment door. This may have afforded the opportunity to use alternative forms of cover, which could have reduced or eliminated the need for a shield. After the TUD, officer crossed in front of the door to the suspect's apartment to render aid to Officer A. Officers rendered aid to Officer A for approximately two minutes while they were in the hallway in front of the suspect's apartment. The suspect was presumed to be inside and considered armed and dangerous. Alternatively, the officers could have immediately extracted Officer A and rendered aid in a safe location.
- **Tactical Communication** – Officer A was holding the shield for approximately 62 minutes when the TUD occurred. Approximately 10 minutes after Officer A began

holding the shield, Officer D told Officer A to inform him/her if he/she (Officer A) became tired. Approximately six minutes before the TUD, Sergeant A advised Officer A to inform him/her if he/she (Officer A) needed to transfer responsibility of the shield; however, Officer A stated that he/she was fine. Officer A should have recognized his/her need to be relieved and communicated that need to the officers or supervisor at scene.

- **Barricaded Suspect Protocols** – Sergeants A and B did not make an effort to begin evacuating the surrounding apartments until after the TUD. Alternatively, it would have been preferred that the surrounding apartments be evacuated sooner due to the possible threat that existed inside the target apartment.

### **Command and Control**

- At approximately 0458 hours, Sergeant B was the first supervisor to arrive at scene. Sergeant B determined that a crime had occurred and therefore directed officers to form a tactical team in front of the apartment. Approximately 27 minutes later, Sergeant B declared him/herself incident commander (IC) and requested a tactical frequency for the incident.

At approximately 0539:45 hours, Sergeant A arrived at scene and was briefed by Sergeant B. Sergeant A assumed the role of tactical supervisor and responded to the hallway outside the apartment, where the tactical team was located. Sergeant A communicated a tactical plan in the event the team had to make entry, utilizing a floorplan displaying the layout of the apartment.

At approximately 0615:25 hours, Sergeant B contacted the Department Operations Center (DOC) to notify Metropolitan Division Special Weapons and Tactics (SWAT) of a possible barricaded suspect. Sergeant B was then given the contact information for the SWAT Lieutenant. Sergeant B briefed the SWAT Lieutenant on the incident and advised that it was a possible barricade situation.

At approximately 0619 hours, Sergeant A asked Officer A if he/she needed to relinquish the responsibility of the shield; however, Officer A declined to do so.

Following the TUD, at approximately 0654:31 hours, Sergeant B admonished all officers over the tactical frequency not to discuss the incident. At approximately 0750 hours, Lieutenant A, arrived at the hospital and proceeded to monitor Officer A. Approximately 10 minutes later, Lieutenant A obtained Officer A's public safety statement (PSS). The DOC was notified of the TUD at 0700 hours.

The BOPC noted that during its review of this incident that the Use of Force Review Board (UOFRB) was critical of Sergeant A's command and control. While he/she did give some direction to officers, the UOFRB opined that he/she failed to take adequate control of the tactical incident after the TUD occurred. Sergeant A's lack of control resulted in officers giving up their tactical positions outside the apartment

and unsafely crossing back and forth in front of the suspect's door without a designated cover officer. Additionally, Sergeant A allowed officers to render aid to Officer A for over two minutes directly in front of an active threat. This compromised the safety of all officers involved and was contrary to established tactical training.

Based on the totality of the circumstances, the BOPC determined that the command-and-control tactics employed by Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

Regarding Officer C, Sergeant B, and Lieutenant A, while the UOFRB identified areas for improvement, the BOPC determined that their overall actions were consistent with Department training and expectations of senior officers and supervisors during a critical incident.

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.

In conducting an objective assessment of this case, the BOPC determined that the actions of Officer A and Sergeant A were a substantial deviation, without justification, from Department-approved tactical training.

### **General Training Update (GTU)**

- Officer A attended a General Training Update (GTU) on December 15, 2022. Additional substantially involved personnel will receive the GTU during the tactical debrief.

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

- **Officer A – First and Second Occurrence**

Upon arriving at the target location, Officer A assumed a role in the tactical team and unholstered his/her pistol. Officer A then holstered his/her pistol and retrieved the ballistic shield and ballistic helmets. When Officer A returned with the ballistic shield, he/she positioned him/herself in the front of the line of officers and unholstered his/her pistol again. According to Officer A, he/she knew that there was a potentially armed suspect in the residence and therefore his/her pistol “may need to be used in this situation.”

The BOPC noted that the UOFRB assessed Officer A's drawing and exhibiting of his/her pistol. The UOFRB noted that Officer A had responded to an "ADW shooting just occurred" radio call and that he/she knew that there was a potentially armed and barricaded suspect inside the apartment.

Therefore, the UOFRB opined that it was reasonable for Officer A to believe he/she may have to use lethal force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Officer A's drawing/exhibiting to be In Policy.

### **C. Tactical Unintentional Discharge (TUD)**

- **Officer A** – (pistol, one round)

According to Officer A, he/she realized that holding the shield by the forearm strap would not allow him/her to bring the shield up to use as cover, if needed. Officer A then elected to use his/her pistol, which he/she was holding in his/her right hand, to lift the shield in an attempt to reacquire his/her grip on the shield's handle. Officer A placed the top of his/her pistol's slide under the handle of the shield to lift it. As he/she did so, his/her pistol slipped off the handle, causing it to turn inward toward his/her left leg. When Officer A attempted to adjust his/her grip on the pistol, his/her index finger moved from the slide to the trigger, and he/she unintentionally fired one round into his/her left leg. The round exited Officer A's thigh and impacted the ground. Immediately after the TUD, Officer A dropped the shield and his/her pistol on the floor.

The BOPC noted that the UOFRB assessed Officer A's TUD. The UOFRB noted that Officer A had been holding the shield for approximately 62 minutes before the TUD. The UOFRB opined that it would have been Officer A's responsibility to articulate to other officers if he/she was feeling fatigued. Officer A then lost his/her grip on the shield's handle. The UOFRB noted that instead of holstering his/her pistol to regain his/her grip, Officer A used the slide of his/her pistol to assist him/her in reacquiring his/her grip. While doing so, Officer A's pistol slipped, which resulted in him/her covering his/her left leg and subsequently placing his/her finger on the trigger. Therefore, the UOFRB opined that Officer A's violations of multiple Basic Firearm Safety Rules resulted in the TUD of his/her pistol.

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 requiring a finding of Administrative Disapproval, Negligent Discharge.