

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 004-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
-----------------	-------------	----------------------------	-------------------------------

Hollywood	1/12/20		
-----------	---------	--	--

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
--	--------------------------

Sergeant A	21 years, 6 months
------------	--------------------

**Reason for Police Contact**

While using the restroom, Sergeant A removed his/her pistol and placed it on top of the toilet paper dispenser. He/she unintentionally knocked the pistol off the toilet paper dispenser and it fell approximately three feet to the tiled floor. Sergeant A picked up the pistol, checked the sights for any damage, and a Non-Tactical Unintentional Discharge (NTUD) occurred.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
----------------	---------------------	--------------------	--------------------

Does not apply.

**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; the report and recommendations of the BOPC of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he/she, his/her, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on December 8, 2020.

## **Incident Summary**

On Sunday, January 12, 2020, Sergeant A was working a plain-clothes assignment. Sergeant A, entered the restroom located in the police station. He/she stepped into a stall, unholstered his/her pistol and placed it on top of the toilet paper dispenser. According to Sergeant A, he/she removed his/her pistol from its holster while utilizing the restroom because it tended to slide off his/her unbuckled belt when he/she didn't remove the pistol.

Sergeant A unintentionally knocked the pistol off the toilet paper dispenser. The pistol fell approximately three feet to the tiled floor. Sergeant A picked up the pistol and checked the sights for any damage by holding the pistol in a two-handed grip while pointing it toward the ceiling. According to Sergeant A, he/she believed his/her index finger was along the frame of the pistol.

As Sergeant A was checking his/her sights, he/she canted the pistol to the left and right and unintentionally discharged a single round. According to Sergeant A, he/she did not recall his/her finger moving to the trigger. The fired projectile travelled upward, striking the post of the bathroom stall and then impacting the ceiling. Sergeant A then holstered his/her pistol, exited the restroom, and stood-by to make notifications.

## **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
Sergeant A	N/A	N/A	N/A	N/A	N/A

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

### **A. Tactics**

The BOPC found Sergeant A's Tactics to warrant a Tactical Debrief.

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

Does Not Apply.

### **C. Non-Tactical Unintentional Discharge**

The BOPC found Sergeant A's Non-Tactical Unintentional Discharge to be Negligent.

## **Basis for Findings**

### **A. Tactics**

Sergeant A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force (CUOF) incident to attend a Tactical Debrief, the BOPC made a finding of Tactical Debrief.

During the review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Four Basic Firearm Safety Rules

### **Tactical De-Escalation**

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

#### Tactical De-Escalation 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/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.

In this case, Sergeant A was on-duty at the time of this incident but was not engaged in a tactical operation. Therefore, Sergeant A was not evaluated for tactical de-escalation.

The BOPC also considered:

- **Holstering Service Pistol** – Sergeant A removed his/her service pistol from the holster and placed his/her unholstered service pistol on top of the toilet tissue dispenser. Sergeant A failed to maintain his/her service pistol in a secure manner.

- **Background** – Sergeant A was alone in the restroom of the police station. At the time of the NTUD, he/she was in a restroom stall surrounded by metal walls and the ceiling located above. The station has a second floor that is accessible by Division personnel to areas above the restroom, such as the Vice Unit offices, roll call room, break room, and locker rooms. Sergeant A picked up the service pistol from the ground and pointed the muzzle towards the ceiling while he/she checked the service pistol for damage.

## **B. Drawing and Exhibiting**

- Does not apply.

## **C. Non-Tactical Unintentional Discharge**

- **Sergeant A** – (pistol, one round)

According to Sergeant A, he/she was utilizing the restroom when he/she unholstered his/her service pistol and placed his/her service pistol on top of the toilet tissue dispenser. Sergeant A stated it was his/her habit to remove his/her service pistol from its holster while using the restroom to prevent the holster from sliding off of his/her belt due to the weight of the service pistol. After using the restroom, Sergeant A stood up which unintentionally caused the service pistol to fall approximately three feet to the tile flooring.

Sergeant A reached down with his/her right hand and grabbed ahold of the service pistol and held it in an upward direction using his/her left hand as support. With the magazine still inserted in the service pistol, Sergeant A checked to see if there was any damage to the service pistol or sights. Sergeant A believed that his/her right index finger was along the frame of the service pistol and did not recall his/her finger moving to the trigger. Sergeant A canted the service pistol to the left and to the right, and unintentionally discharged one round. The fired round travelled upward, striking the post of the restroom stall, and then impacting the ceiling. Sergeant A verified that no one else was in the restroom, opened door to the restroom, and waited for responding supervisors to arrive.

Based on the totality of the circumstances, the BOPC found that the NTUD was the result of operator error. Accordingly, the BOPC found Sergeant A's Unintentional Discharge to be Negligent.