

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

TACTICAL UNINTENTIONAL DISCHARGE – 006-14

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

Harbor 02/08/14

Detective(s) Involved in Use of Force Length of Service

Officer A 5 years, 6 months

Reason for Police Contact

Officers were conducting an arrest of a Subject with an outstanding arrest warrant when a tactical unintentional discharge occurred.

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

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 suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved detectives; the Use of Force Review Board recommendations; the report and recommendations of the Chief 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.

Because state law prohibits divulging the identity of police detectives in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 6, 2015.

Incident Summary

Officer A received information about a wanted Burglary subject and the Parole Compliance Unit (PCU) formulated a tactical operation to affect an arrest on the Subject. Officer A arrived at the scene, along with other PCU officers, and observed a male whom the officers identified as the Subject. When the Subject observed the officers, he fled on foot. Officer A, along with other officers, pursued after the Subject into the rear yard of a residence. Based on the information that the Subject was known to be armed in the past, Officer A drew his service pistol.

Officer A recalled that he drew his weapon because he had reason to believe that the situation was going to escalate to deadly force given the circumstances and the information that the officers had regarding the Subject, that he was a known gang member and known to carry a firearm. When he approached, he drew his weapon to the low ready position, with his finger on the frame.

As the Subject was being handcuffed by other officers, Officer A felt that he was bumped by another officer, and an unintentional discharge of his service weapon occurred.

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). All incidents are evaluated to identify areas where involved detectives can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all detectives 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 exhibition of a firearm to be in policy.

C. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent, warranting Administrative Disapproval.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical consideration:

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.

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

B. Drawing/Exhibiting

- In this instance, Officer A drew his pistol in the course of arresting a known gang member who had an outstanding warrant and had fled from officers.

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

C. Unintentional Discharge

- In this instance, Officer A believed the situation deescalated and began to holster his service pistol, at which time the unintentional discharge occurred. Additionally, Officer B indicated that he possibly bumped Officer A while moving forward to assist the other officers.

Officer A recalled feeling the situation had de-escalated since he was complying. Officer A attempted to re-holster his gun in his holster, at which point he felt he was jarred and almost immediately his gun discharged.

Officer A explained he was "jarred" as an officer walked passed him to assist in handcuffing the Subject. Officer A explained being "jarred" as someone bumping into him. Officer A further believed his finger was along his service pistol's frame as he was holstering his service pistol. Officer A did not recall pulling his trigger but was the only one holding his service pistol as he placed his service pistol in his holster.

Officer A believed his pistol was in the holster about three quarters of the way when he heard a pop. Officer B recalled that as soon as he put the right handcuff on, he heard the pop or the shot and then Officer B immediately put the left handcuff on. Officer B did not remember bumping Officer A, but admitted that he "could have."

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that his actions were negligent in nature, warranting a finding of Administrative Disapproval.