

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

TACTICAL UNINTENTIONAL DISCHARGE – 008-10

<u>Division</u>	<u>Date</u>	<u>Duty- On (x) Off ()</u>	<u>Uniform-Yes (x) No ()</u>
North Hollywood	01/27/10		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	1 year, 2 months

Reason for Police Contact

Officers responded to the scene of a stabbing.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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 officers; 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 officers in public reports, the masculine pronouns (he, his, 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 27, 2010.

Incident Summary

Sergeant A and Officers A, B, C, D, E and F heard a Communications Division (CD) broadcast of a stabbing and informed CD that they would respond to the scene.

Los Angeles Fire Department (LAFD) personnel arrived at the location and began providing medical treatment to the victim. Officers B, C, D and E arrived at the scene shortly thereafter and notified CD of their Code Six status. Officers B and C exited their vehicle, approached the victim, and questioned him about the crime. Even though the

victim was very vague, Officer B was able to obtain enough information to put out a crime broadcast.

Officer D was monitoring the front door of the residence when he observed a collapsible baton lying just inside the entryway. According to Officer D, the front door appeared to have been kicked in and there was blood throughout the house. Officers C and D drew their service pistols and entered the residence to search for additional victims and suspects, but they did not find any, so they exited the residence.

Sergeant A and Officers A and F arrived at the location and notified CD of their Code Six status. Sergeant A asked the officers on the scene if the inside and backyard of the residence had been searched. Officer D informed Sergeant A that the backyard had not been searched, so Sergeant A instructed Officer D to assemble a team of officers to clear the backyard for additional victims and subjects.

Officer D led a team comprised of Officers A, E and F. All four officers drew their service pistols and walked into the backyard. The officers cleared the backyard, an attached garage, and a utility space. The officers were walking back toward the entrance gate to the backyard when Officer A noticed an additional open-air storage area that had not yet been searched. Officer D said that he would provide cover for Officer A while Officer A checked the storage area.

Officer A held his pistol in his right hand and attempted to open the gate with his left hand. The gate, however, was wedged tightly closed, so Officer A could not open it with his left hand. Officer A moved his pistol from his right hand to his left hand and grabbed the door with his right hand. After a few attempts, Officer A was able to open the door, and as the door opened, Officer A unintentionally discharged one round from his pistol at a downward angle. Officer A transitioned his pistol back to his right hand and holstered it.

Sergeant A heard a loud pop and ran to the backyard. Sergeant A asked Officer A what happened, and Officer A told Sergeant A he accidentally discharged his pistol. The other officers in the backyard informed Sergeant A that they were not injured, and Sergeant A went back to the front of the residence. Officer A picked up the shell casing from the ground, walked to the front of the residence, and gave it to Sergeant A. Sergeant A told Officer A that the shell casing should have been left on the ground.

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/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). 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 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 unanimously made the following findings.

A. Tactics

The BOPC found Officer A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

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 of a firearm to warrant Administrative Disapproval – Negligent Discharge.

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.

Each incident must be looked at objectively and any areas of concern must be evaluated based on the totality of the circumstances. In this case, the tactics utilized by Officer A were appropriate and did not unjustifiably and substantially deviate from approved department tactical training.

In conclusion, a tactical debrief is the appropriate mechanism for Officer A to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

B. Drawing/Exhibiting/Holstering

In this instance, Officer A opened a gate leading into a storage area in an attempt to locate a violent felony suspect who might still be armed.

In conclusion, the BOPC determined that due to Officer A's reasonable belief that the tactical situation could have escalated to the point where lethal force may become necessary, his drawing and exhibition of a firearm was in policy.

In addition to the above listed employee, there were additional personnel that responded for the search and drew or exhibited firearms prior to the incident. The

BOPC determined that their drawing and exhibiting was appropriate and requires no specific findings or action.

C. Unintentional Discharge

In this instance, Officer A was attempting to open a gate with his left hand while holding his service pistol in his right hand in a modified close contact position. Officer A stated he realized that more force was required to open the wedged gate. At that point, Officer A elected to transition his service pistol to his left hand in order to utilize his right hand to open the gate. As Officer A forced open the gate, his finger was placed on the trigger, resulting in an unintentional discharge.

The unintentional discharge (UD) of Officer A's authorized service pistol unjustifiably and substantially deviated from approved department tactical training and was negligent in nature. Administrative Disapproval – Negligent Discharge is a finding where it was determined that the UD of a firearm resulted from operator error, such as a violation of a firearm safety rule, which occurred in this incident. The BOPC found that Officer A's UD requires a finding of Administrative Disapproval–Negligent Discharge.