

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 008-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley	4/3/19		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years, 5 months
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Reason for Police Contact

A pursuit culminated in a traffic collision. Officer A attempted to recover a handgun that was lodged in the crushed dashboard of the subjects' vehicle and a Non-Tactical Unintentional Discharge (NTUD) occurred.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
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Not applicable.

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.

The following incident was adjudicated by the BOPC on February 25, 2020.

Incident Summary

Multiple units, including Officers A and B, responded to a radio call from a citizen who was following burglary suspects. The response resulted in a vehicle pursuit that ended when the suspects' vehicle was involved in a major traffic collision.

Police Officers A and B arrived at the conclusion of the pursuit. Officer B updated the officers' status and location (Code Six) via their Mobile Data Computer (MDC). According to Officer B, he/she observed multiple vehicles that had collided in the intersection. Approximately 300 feet away from the intersection, a pick-up truck, later determined to be stolen, with major traffic collision damage, was at rest at the curb.

According to Officer A, as he/she and Officer B exited their police vehicle, they observed other officers, including Officer C, deployed to the passenger side of the subject vehicle.

Officer C's BWV footage depicted him/her motioning toward the vehicle. According to Officer A's statement, he/she believed that Officer C's motions indicated that there were people inside the vehicle.

At the time that Officers A and B approached the vehicle, two Grand Theft Auto (GTA) suspects remained inside the vehicle. One was in the rear driver side of the vehicle, while the other was positioned in the front passenger seat. A third person had fled the vehicle prior to the officers' arrival.

According to Officer A, he/she and Officer B advanced to the driver's side of the vehicle. Officer A acted as point officer, and due to one of the subjects being wanted for GTA, he/she unholstered his/her duty pistol and held it in a single-handed low-ready position. As Officer A approached the rear driver side door of the subject vehicle, Officer A used his/her left hand to open the rear driver side door. Officer A observed one of the vehicle's occupants laying in the rear seat of the vehicle. He/she ordered the Subject not to move.

Officer A indicated in his/her interview that it became obvious that the person in the back seat was badly injured from the traffic collision. This caused Officer A to holster his/her pistol. Officer B broadcast a request for a Rescue Ambulance (RA) for the victims of the traffic collision.

According to Officer A, he/she returned to his/her police vehicle and retrieved latex gloves due to the large amount of blood at scene and then returned to the vehicle.

Officer A proceeded to the front driver's side of the vehicle and opened the driver's door. Officer B could be heard on Officer A's BWV asking Officer A to cut out the deployed airbags that were in the front of the vehicle. Officer A could be seen reaching into the vehicle with his/her right arm and briefly touching the top of the steering wheel.

Officer A then paused before reaching into a depression between the dashboard and steering wheel column.

According to Officer A, his/her original intent was to turn off the vehicle's ignition, but as he/she reached across the steering wheel, he/she observed what he/she identified as the grips of a revolver. He/she could not see any other part of the revolver.

According to Officer A, he/she utilized his/her right hand and obtained a partial grip on the handle of the revolver. Once Officer A obtained a "few finger" grip on the handle of the revolver, he/she pulled at it in an attempt to remove it from the dashboard area. The gun did not dislodge from the dashboard and Officer A pulled again, causing the revolver to discharge.

As depicted in Officer A's BWV, he/she reached into a depression between the dashboard and steering column (the revolver was obscured by the dashboard and Officer A's hand and not immediately visible in the BWV). Officer A appeared to make a slight tugging motion away from the dashboard. There was then a second tugging motion away from the dashboard followed by a slight movement of Officer A's right arm inward toward the dashboard. This was immediately followed by the sound of a single shot, followed by Officer A immediately removing his/her right arm away from the dashboard of the truck.

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). 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 and Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's non-tactical unintentional discharge to be Negligent.

Basis for Findings

A. Tactics

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 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, Officer A did not have direct interaction with the vehicle occupants while attempting to retrieve the revolver. It was determined that the NTUD was a separate occurrence from the other activities that were occurring; therefore, Officer A was not evaluated for tactical de-escalation

- During its review of the incident, the BOPC considered the following:

Officer A's tactics were not related to the NTUD that occurred during this incident; therefore, they were not reviewed or evaluated.

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

- Firearms Manipulations – Four Basic Firearm Safety Rules
- Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- Does not apply.

C. Unintentional Discharge

- **Officer A** – (pistol, one round)

According to Officer A, after he/she opened the driver's side door, he/she leaned in to turn off the engine and observed that the dashboard was heavily damaged with the steering column split from the dashboard. Officer A observed the wooden handle of a gun wedged between the steering column and the dashboard. Knowing that Los Angeles Fire Department (LAFD) personnel would be coming in and out of the car to extricate occupants and fearing that the gun was within reach, Officer A felt it was safer to take the gun out. Believing the space was too tight to grab hold of the entire gun, Officer A reached in and gripped the handle with his/her thumb and index finger. Officer A pulled it once and it didn't come out. Officer A tugged it again, causing one round to be discharged from the revolver. Officer A heard a pop and let go of the gun.

In this case, the BOPC conducted a thorough review in evaluating the circumstances and evidence related to this incident. Upon reviewing the evidence, the BOPC determined that the UD was the result of operator error.

Based on the totality of the circumstances, the BOPC determined that Officer A's action violated the Department's Basic Firearm Safety Rules, and therefore the Non-Tactical Unintentional Discharge was found to be Negligent.