

Incident Summary

On the date of this incident, the Area Parole Compliance Unit (PCU) uniformed Sergeant A, and Police Officers A, B, C and D held a tactical/operational briefing before conducting a parole compliance inspection at a residence. The PCU was made aware that the parolee (Subject) had failed to report to Probation as instructed and was in "Desertion" status. The officers were also informed that the Subject had been arrested in the past for possession of a firearm and narcotics as well as other violations.

Note: The PCU was tasked with monitoring parolees and probationers within Foothill Division, specifically those released on Post Release Community Supervision as a result of California State Assembly Bill 109.

Upon arriving at the location, Officer B broadcast accordingly that they were Code Six. The officers lined up in a tactical formation at the front door. According to Officer B, he knocked on the front door. As Officer B looked through the door's window he observed the Subject inside the residence. Officer B again knocked, identified himself as a police officer, and directed the Subject to open the door. Officer B saw the Subject look directly at him, turned and ran into the bedroom, slamming the bedroom door. Officer B informed the other officers of his observations.

According to the Subject, he was lying on his bed when he heard banging on his front door. The Subject ignored it because he believed it was the police coming to arrest him again for violation of his probation. The officers knocked on the front door and yelled to open the door. The Subject saw the officers and refused to open the door because he did not want to go to jail. The Subject got out of bed, but turned around and walked back to his bed as the officers were knocking on the front door. The Subject stated it was at this point that the officers kicked the door in.

According to Sergeant A, he was the last person in the entry team lined up at the front door. Officer B was knocking on the door and directing the Subject to open it. Upon hearing that the Subject was running inside into a rear bedroom, Sergeant A repositioned himself to the northeast corner of the residence near a back window. Sergeant A's intention was to monitor the rear window in the event the Subject attempted to flee through the window.

Officer B, fearing the Subject was going to arm himself or destroy evidence, stepped back and kicked the front door two times with his right foot in an attempt to force the door open. Officer B was unsuccessful and stepped aside. Officer D, who was armed with a battering ram, stepped forward, utilized the ram and breached the front door.

According to Officer A, once the door was open, he entered the residence along with the other officers. Upon entering, and fearing that the Subject might be arming himself, Officer A unholstered his pistol, which he held at a two-hand low-ready with his finger along the frame. Officer A was followed into the residence by Officers B and D. Officer C covered the officers from outside the open door of the residence. Officer A went to

the closed bedroom door while Officer D went to the left and cleared the kitchen area. Officer B went to the right and cleared the dining room.

As the officers were clearing the front of the residence, Officer A positioned himself in front of the closed bedroom door. Officer A used his right foot and kicked open the bedroom door. As Officer A kicked the door open, Officer A stated that his finger slipped off the pistol frame and onto the trigger, causing his pistol to discharge in a downward trajectory. Officer A observed the Subject standing at the east side open bedroom window with his hands on the window frame as if he were about to jump through the window. Officer A also saw that the Subject was holding what he believed was a methamphetamine pipe in his right hand.

The Subject stated that after he went back to his bedroom, an officer kicked in his bedroom door, with his gun drawn. Immediately, the Subject moved to his bedroom window and looked out toward his rear yard. The Subject observed another officer waiting outside his window and decided to retreat back into his bedroom. At that time, the Subject believed the officer who kicked in his bedroom door saw him and had shot at him. The Subject was then ordered to his knees and he was taken into custody without incident.

According to Sergeant A, after he moved to cover the rear window of the residence, he observed the Subject stick his head out the window. Sergeant A, believing the Subject might be armed, unholstered his weapon and yelled for the Subject to show his hands. As Sergeant A yelled for the Subject to show him his hands, Sergeant A heard a pop noise and believed it was a TASER being discharged. The Subject pulled his head back inside the residence and out of Sergeant A's sight.

According to Officer C, he heard a gunshot just after the door was breached. Officer C had not yet entered the residence and was positioned outside the front door along the side of the residence. Officer C heard Officer A giving commands for the Subject to put his hands up. Officer C then entered the residence and believed Officer D took the Subject into custody.

According to Officer B, he was clearing the dining room when he heard Sergeant A, over the radio, saying that the Subject was trying to exit the rear window. Officer B then heard a gunshot, but did not know who was firing. As Officer B looked toward Officer A, he observed an empty shell casing ejecting from Officer A's gun. Because Officer B believed that Officer A had fired his weapon, but did not see what he was shooting at, Officer B unholstered his handgun. Officer B then looked into the bedroom and observed the Subject with his hands in the air.

According to Officer D, after he breached the front door, he dropped the ram, unholstered his weapon due to the Subject's history of having a weapon, and entered the residence. Officer D was in the kitchen area when he heard a gunshot, but did not know who fired. After Officer D finished clearing the kitchen, he looked toward Officer A

and saw an empty cartridge case bouncing around on the floor and believed that Officer A had fired his weapon, but was unsure at what.

After firing his round, Officer A ordered the Subject to drop the pipe. The Subject placed it on the window sill. Officer A then ordered the Subject to get on his knees and place his hands behind his head. The Subject complied and Officer A holstered his pistol and handcuffed him, while Officer B provided cover. Officer A stood the Subject up, walked him outside and met with Sergeant A.

Sergeant A, who was still located at the back of the residence, heard officers ordering the Subject to put his hands behind his back. Sergeant A returned to the front of the residence and once inside could smell gunpowder. Sergeant A asked if someone had fired their weapon and Officer A acknowledged that he had a negligent discharge. Sergeant A directed everyone to exit the residence and stand against an adjacent wall with the exception of Officer B, who stayed with the Subject, just outside the front door. Sergeant A separated Officer A from the other officers and obtained a Public Safety Statement. Sergeant A then monitored Officer A until additional supervisors arrived.

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 and Exhibiting 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, made the following findings:

A. Tactics

The BOPC found Sergeant A, along with Officers A, B, C and D's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Sergeant A, along with Officer's A, B, C and D's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

The BOPC found Officer A's Unintentional Discharge to be negligent and warrant a finding of Administrative Disapproval.

Basis for Findings

A. Tactics

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

1. Tactical Communications and Planning (Substantial Deviation)

Sergeant A, along with Officers A, B, C and D did not effectively communicate their observations or intended actions with one another on multiple occasions throughout the incident. In addition, the operations plan was incomplete and inadequate for this type of field operation.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

The officers did not establish rear containment of the residence. As a result, Sergeant A redeployed to the rear of the residence to cover the bedroom window and confront a potentially armed Subject by himself. Sergeant A did not communicate to the other officers that he had moved to the rear of the residence.

When the Subject refused to exit his residence, the officers immediately breached the front door and entered the residence without requesting additional resources or communicating, and discussing alternate tactical options. Upon stepping into the residence, the officers failed to communicate their observations or actions with one another, which resulted in confusion and placed all the officers in a distinct tactical disadvantage.

Finally, the operations plan, approved by Sergeant A, did not adequately document notifications, assignments, diagrams, and other relevant information necessary for this type of field and tactical operation.

In this case, the officers' lack of planning and inability to effectively communicate with one another during the operation placed the officers at a tactical disadvantage and unnecessarily jeopardized the safety of all the officers involved in this incident.

The BOPC determined that Sergeant A, along with Officers A, B, C and D's inability to effectively communicate and lack of tactical planning was a substantial deviation, without justification, from approved Department tactical training. This will be a topic of discussion during the Tactical Debrief.

2. Back-Up Request

Sergeant A, along with Officers A, B, C and D did not request a back-up when the Subject ran to the rear of the residence and attempted to flee out the rear window.

Although officers are given discretion regarding the appropriate time to request additional resources based on the ongoing tactical situation, in this case, the officers were conducting a parole compliance check on a felony Subject, who had a prior firearms arrest and a known history of being aggressive and uncooperative who was attempting to flee from the location.

In this case, it would have been tactically advantageous for the officers to request a back-up immediately upon observing the Subject run to the rear of the residence in an effort to ensure that the appropriate resources were responding in the event they were needed.

Based upon the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers A, B, C, and D's actions in this circumstance were not a substantial deviation from approved Department tactical training. This will be a topic of discussion during the Tactical Debrief.

3. Barricaded Subjects (Substantial Deviation)

Officers A, B, C and D forced entry into the residence of a felony Subject, whom they believed was possibly arming himself and who was refusing to submit to arrest.

In this case, the officers knew that the Subject had a prior firearms arrest, was not complying with their commands and believed that he was possibly arming himself with a weapon when he retreated back into his bedroom and closed his door. Although a weapon had not been observed, personnel from Metropolitan Division, Special Weapons and Tactics, should have been contacted for advice and guidance prior to making entry into the residence.

Sergeant A, along with Officers A, B, C and D were aware of the situation and at no point during this incident did they recognize the incident as a barricaded Subject and as a result they never sought the guidance of Department resources that were available to them.

The BOPC determined that the situation met the criteria of a barricaded Subject and no exigent circumstance existed that would have warranted a deviation of the protocols when dealing with a barricaded Subject. Although Sergeant A was not present when the officers forced entry into the residence, he knew they were forcing entry and knew that the door was going to be breached. As such, Sergeant A's decision to allow the officers to force entry into the residence and make contact with the Subject limited their tactical options and unnecessarily compromised the safety of the officers.

Based upon the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers A, B, C and D's actions were a substantial deviation, without justification, from approved Department tactical training. This will be a topic of discussion during the Tactical Debrief.

4. Building Searches (Substantial Deviation – Officers A, B, C and D.)

Officers A, B, C and D forcibly entered and began searching the Subject's residence without a tactical plan or sufficient personnel.

In this case, the officers breached the Subject's front door and entered the residence without formulating a tactical plan prior to making entry into the residence to conduct their search. As a result, the officers did not have sufficient personnel to conduct a safe and systematic search of all areas of the residence. Furthermore, during the search, the officers acted independently and did not communicate with each other, thus limiting tactical options and unnecessarily endangered their safety.

The BOPC determined that Officers A, B, C and D's actions, coupled with their expressed belief that the Subject could possibly be arming himself with a weapon, was a substantial deviation, without justification, from approved Department tactical training. This will be a topic of discussion during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Effective Encounters with Mentally Ill Persons

Sergeant A, along with Officer A and B's written statements reflect that they had prior contact with the Subject and believed he was emotionally unstable and may have some mental health issues. This information was relayed to the rest of the PCU officers prior to the parole compliance check. Although the Subject had no prior documented Mental Evaluation Unit contacts, officers are reminded of the proper tactics and protocol for encountering persons suffering from mental illness. This will be a topic of discussion during the Tactical Debrief.

2. Kicking in Doors with Foot Command and Control

During this incident, both Officers A and B used their foot to kick open closed doors. On the first occasion, Officer B was unsuccessful and his action could have caused serious injury. During the second occasion, Officer A had a TUD. Officers are reminded that the Department provides tools to breach closed doors and they should be utilized when necessary. This will be a topic of discussion during the Tactical Debrief.

3. Notifications

The FID investigation revealed that the officers did not notify the Los Angeles County Regional Criminal Information Clearinghouse (LA CLEAR) that they were conducting a parole/probation check at the Subject's residence. Although not required in this circumstance, the BOPC would have preferred that they do so to prevent any conflicts with other operations. This will be a topic of discussion during the Tactical Debrief.

4. Code Six

A review of the Foothill Area base frequency revealed that when Officer B notified CD that the PCU was Code Six he indicated they were on a follow-up from the previous parole compliance check location. The officers should be mindful of the importance of clearing their status and broadcasting Code Six upon arrival at a new location. This will be a topic of discussion during the Tactical Debrief.

- 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 identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Sergeant A, along with Officers A, B, C and D's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- After the Subject's front door was breached, Officers A, B, C and D un-holstered their service pistols because they were conducting a parole compliance check and had knowledge of the Subject's prior firearms arrest.

While Sergeant A was covering the rear of the residence, he observed the Subject stick his head out of the bedroom window. Sergeant A drew his service pistol and began to verbalize with the Subject. Sergeant A was also aware that the Subject had a prior arrest for possessing firearms.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A, along with Officers A, B, C, and D while faced with a similar set of circumstances, would reasonably believe that

there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A, along with and Officers A, B, C, and D's Drawing/Exhibiting to be in policy.

C. Unintentional Discharge

- Officer A - one round.

Officer A approached the Subject's bedroom door with his service pistol drawn and kicked the door open. Officer A's finger slipped off the frame of his service pistol and onto the trigger, causing one round to discharge in a downward direction.

The BOPC determined the TUD was the result of operator error when Officer A unintentionally pressed the trigger of his service pistol while kicking in a door. Officer A's actions violated the Basic Firearm Safety Rules and therefore, the TUD requires a finding of Administrative Disapproval (AD), Negligent Discharge. This will be a topic of discussion during the Tactical Debrief.