

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

TACTICAL UNINTENTIONAL DISCHARGE – 049-13

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

Devonshire 06/12/13

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

Detective A 18 years, 6 months

Reason for Police Contact

Detectives were conducting a stop of two armed robbers in a vehicle 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 April 29, 2014.

Incident Summary

Detective A and several other detectives followed two subjects suspected of being involved in an armed robbery. The subjects eventually pulled into a gas station, next to some gas pumps, and the detectives deployed their vehicles to block-in the subjects' vehicle. Both subjects immediately exited their vehicle, and the passenger tried to run. Detective A immediately exited his vehicle, intending to take the driver into custody. As Detective A exited, he unholstered his pistol. As he did so, he inadvertently placed his finger on the trigger of his weapon and unintentionally discharged a round. No one was injured, nor was there any damage. Both subjects were then taken into custody without further incident.

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 Detective A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Unintentional Discharge

The BOPC found Detective A's unintentional discharge to be negligent, warranting administrative disapproval.

Basis for Findings

A. Tactics

- In their 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 Detective A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Detective A drew his pistol in anticipation of confronting suspected armed robbers.

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

C. Unintentional Discharge

- In this instance, Detective A exited the vehicle and drew his service pistol. While transitioning to a two-handed, low ready position, Detective A inadvertently pressed the trigger, causing the service pistol to discharge.

The BOPC evaluated the circumstances relevant to Detective A's unintentional discharge and determined that his actions were negligent in nature, warranting administrative disapproval.