

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

TACTICAL UNINTENTIONAL DISCHARGE – 051-16

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

77th Street 8/8/16

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

Officer F 6 years, 3 months

Reason for Police Contact

While conducting a residential search, Officer F transitioned his pistol from his right hand to his left hand then attempted to lift up a bed, resulting in a Tactical Unintentional Discharge.

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

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 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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 June 20, 2017.

Incident Summary

Uniformed Police Officers A and B responded to a domestic assault with a deadly weapon radio call. Due to the nature of the call, the officers were joined by Sergeant A.

On arrival at the residence, the officers identified and contacted the Subject, who subsequently exited the property. According to Officer B, the Subject matched the suspect description in the radio call and was detained pending further investigation. Officers spoke with the Subject who advised them there were no additional persons and/or weapons inside the residence. The officers were still concerned that there could be injured victims or additional suspects inside of the residence; therefore, they asked the Subject for permission to enter and conduct a protective sweep/search. The Subject agreed and provided the officers with verbal consent to conduct the search.

Sergeant A requested that an additional unit respond to their location. Uniformed Police Officers C, D, E, and F responded to the scene. Sergeant A briefed the officers upon their arrival and formed an entry team. Sergeant A directed Officer B to remain outside with the Subject while the search was conducted. Officer D assumed the role of team leader and assigned Officer A as the point officer.

The officers unholstered their weapons, then entered the residence and began a search of the location. Sergeant A positioned himself just outside the threshold of the front door. From that position, he was able to monitor the officers' movements and communication.

Officers A and F entered one of the bedrooms which contained a single bed, various items of furniture, a closet, and a small attached bathroom. The bed consisted of a mattress, a box spring, and a sheet of plywood that covered several wooden drawers located underneath the box spring.

After conducting a quick visual check of the bedroom, Officer F began a more focused, methodical search of the room, checking areas where a person could hide. Prior to checking under the bed, Officer F transitioned his pistol from his right hand to his left hand. Officer F placed his left index finger along the slide, and held his pistol in a one-hand position close to his body.

As Officer F grabbed the corner of the bed with his right hand and lifted the mattress and box spring, he heard a gunshot and realized that he had had an unintentional discharge. According to Officer F, the shot was fired downward, toward the bed.

Officer A witnessed the unintentional discharge, and advised the officers on the entry team that an unintentional discharge had occurred.

Sergeant A and Officer D heard the gunshot and Officer A's announcement. Sergeant A entered the residence and ensured that there were no injuries. Due to the ongoing tactical situation and the fact that the residence still needed to be cleared for victims or

suspects, Sergeant A directed the officers to continue their search. No additional occupants were located inside the residence.

Once the search was complete, Officer F holstered his pistol and was separated by Sergeant A, who made the necessary notifications.

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 most cases, 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). In this incident, there was no Use of Force by the involved officer. 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 will 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 F's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Unintentional Discharge

The BOPC found Officer F's tactical unintentional discharge to be negligent.

Basis for Findings

Detention

- Not applicable.

Tactical De-Escalation

- 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.

The officers were searching a residence when a tactical unintentional discharge occurred. As such, tactical de-escalation was not a factor in this incident.

A. Tactics

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

1. Contact and Cover

Officer F did not wait for assistance before attempting to search underneath the bed for any possible suspects.

Officers are trained to utilize the concept of contact and cover in which one officer searches while the other provides cover. Operational success is based on the proper assumption of contact and cover roles during contacts with the public, as well as searching, to maintain the tactical advantage.

In this case, Officers A and F were conducting a search of a bedroom for any additional suspects or victims. Officer A then decided to lift up and search under the bed, while holding his service pistol, without the benefit of a cover officer.

Based on the totality of the circumstances, the BOPC found that Officer F's actions placed him at a significant tactical disadvantage and were a substantial deviation, without justification, from approved Department tactical training.

- 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.

In conducting an objective assessment of this incident, the BOPC found that the tactics of Officer F substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- Officer F was assigned to a search team responsible for conducting a protective sweep of a residence connected to a radio call of a man in the residence walking around with a gun. As the team entered the residence, Officer F drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer F, when faced with similar circumstances, would reasonably believe that there was a

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

In conclusion, the BOPC found Officer F's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

- **Officer F** – (pistol, one round)

According to Officer F, he transitioned his service pistol from his right hand to his left hand and held it in a position close to his body. As he crouched down and lifted the corner of the bed with his right hand, a shot went off, and Officer F realized that he had discharged a round from his service pistol.

The BOPC determined that the unintentional discharge was the result of operator error as Officer F unintentionally pressed the trigger of his service pistol while lifting the bed, resulting in an unintentional discharge of one round in a downward direction into the ground.

Officer F's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge.