

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

TACTICAL UNINTENTIONAL DISCHARGE – 058-16

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

West LA	9/1/16		
---------	--------	--	--

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

Officer A	1 year, 4 months
-----------	------------------

Reason for Police Contact

Officer A and B responded to a call for service regarding a possible burglary. On arrival, Officer A opened the front door of the residence to call out any possible suspects. As he did so, a Tactical Unintentional Discharge (UD) occurred.

Suspect	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 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 5, 2017.

Incident Summary

Witness A noticed that the rear sliding door of a residence was shattered so he telephoned the homeowner, Witness B, and told him of his observations. Witness B then called 911 and advised the dispatcher that his residence had been broken into and that he would be going there.

Communications Division (CD) broadcast a call for service at the location and Officers A and B notified CD that they would respond. On arrival, Officers A and B met with Witnesses A and B and obtained information regarding the possible burglary.

Officers A and B assessed the front of the residence from the public sidewalk and were unable to see the interior of the residence from their location due to a large hedge that surrounded the front of the residence. Believing a suspect could possibly still be inside the residence, Officer B requested an additional unit for a building search.

The officers developed a plan to approach the front door, assess the situation inside, and then call for any suspects to exit the residence. They did not intend to enter the location until an additional unit arrived. Officer A was the contact officer, and Officer B was providing cover.

The officers entered the front yard and approached the front porch. Officer A noticed that the front door was ajar but could not see into the residence. Both officers unholstered their weapons. According to Officer A, he maintained his weapon in a one-handed position, close to his body, with his weapon pointed downward at a 45-degree angle and his index finger along the frame.

Officer A placed his left hand on the thumb latch of the front door of the residence as he prepared to open the door. Officer A made a verbal announcement identifying himself and Officer B as Los Angeles police officers and ordered any possible occupants inside the residence to exit.

Officer A pushed the front door open with his left hand and moved forward so the door would open completely. Officer A's forward momentum caused his right arm and hand to move forward, and an unintentional discharge occurred. The bullet struck the floor inside the residence in front of Officer A's position; no one was injured.

Officers A and B holstered their service pistols and walked over to the easement of the property where Witnesses A and B were waiting. Officer B advised Witnesses A and B an accidental discharge had occurred and requested a supervisor to respond to his location. Sergeant A arrived at the location, ensured that no one was injured, and 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 officer involved. 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 A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Unintentional Discharge

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

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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also 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.

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

B. Drawing/Exhibiting

Officer A drew his service pistol as he and his partner approached the open front door of the residence that had potentially been burglarized.

The BOPC determined that an officer with similar training and experience as Officer A, 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 A's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

- **Officer A** – (pistol, one round)

According to Officer A, he held his service pistol in his right hand in a close contact position, canted towards the ground, and observed that the front door was slightly ajar. As he leaned forward to push the door open with his left hand, his right hand slid forward a little bit. He then felt his service pistol graze the guard of his holster, and his gun went off, discharging a round from his service pistol.

The BOPC determined that the unintentional discharge was the result of operator error after Officer A unintentionally pressed the trigger of his service pistol while pushing the front door open. Officer A's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge.