

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

UNINTENTIONAL DISCHARGE – 109-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Foothill	12/08/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer F	3 years, 7 months
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Reason for Police Contact

Officer F manipulated his pistol, resulting in an unintentional discharge.

Subject	Deceased () Wounded () Non-Hit ()
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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 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 November 6, 2012.

Incident Summary

Officers responded to a residence to serve a search warrant. After establishing a perimeter around the house, the occupants were ordered to come out. The occupants complied and advised the officers that there was no one else in the residence. A search team was formed and the team entered the front door to the residence. Due to the fact that the door was left wide open and the residents confirmed that there were no additional occupants in the residence, they did not give the Knock and Notice order at the front door. Officer A stated, "LAPD search warrant," multiple times while moving through the residence during the search.

As officers entered the residence, they systematically began searching and clearing rooms. The search team searched the living room and a small bedroom that was attached to the living room. After clearing the bedroom, officers continued down the hallway clearing the rest of the north side of the residence.

Officers A, B, E, and F came upon a small laundry room just east of the kitchen followed by a restroom and bedroom. Officers B and F entered the laundry room and looked in a northerly direction toward a door along the north wall, which was closed.

Officer B took a position near the northeast door opening of the laundry room and restroom to provide cover for Officer F who approached the door to open it. Officer F reached down with his left hand to open the door while holding his firearm in his right hand. As Officer F pulled on the door, it opened 2 ½ inches and stopped. The door in the laundry room was partially blocked by the washer. Officer F, unable to fully open the door, attempted to push the washer out of the way to gain entry while holding his firearm in his right hand. Officer F was unable to push the washer out of the way.

Due to the darkness in the laundry room, Officer F decided to utilize the light system attached to his handgun to illuminate the inside of the closet. Officer F moved his right finger down approximately ½ to ¾ of an inch in an attempt to activate the light switch on his firearm. As Officer F moved his finger, he pressed the trigger on his firearm and discharged a round into the door molding.

No one was injured from the gunfire.

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/Holstering 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 unanimously made the following findings.

A. Tactics

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

B. Drawing/Exhibiting

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

C. Unintentional Discharge

The BOPC found Officer F's 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.

Each incident must be looked at objectively and any areas of concern must be evaluated based on the totality of the circumstances. In this case, the tactics utilized by Officer F were appropriate and did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officer F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officer F was briefed on the criminal history of a subject. The subject had previous arrests for violent crimes and had been known to possess guns. Based on the subject's past arrest history which indicated that he had been known to be armed, and that weapons were previously confiscated from his residence, Officer F drew his service pistol on the approach to the residence. The BOPC determined that an officer with similar training and experience while faced with similar circumstances would reasonably believe that there was a substantial risk and that the situation may escalate to the point where deadly force may be justified.

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

C. Unintentional Discharge

- In this instance, Officers B and F had conducted a systematic and detailed search of the residence, which culminated inside the laundry room. Officers B and F encountered a closed closet door inside the laundry room at which time Officer B provided cover for Officer F as he attempted to open the closet door. Officer F attempted to fully open the door but was unsuccessful and could only open it approximately 2 ½ inches due to the fact that it was blocked by a washing machine. Officer F could not physically clear the closet and utilized the attached light on his handgun to illuminate the room. As Officer F was attempting to manipulate the light switch, his right index finger pulled the trigger of his service pistol, resulting in an unintentional discharge.

The BOPC determined that the unintentional discharge resulted from operator error when Officer F pressed the trigger as he attempted to activate the tactical light on his service pistol and was negligent in nature.

In conclusion, the BOPC found Officer F's unintentional discharge to be negligent.