

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

TACTICAL UNINTENTIONAL DISCHARGE – 078-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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North Hollywood	08/29/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years, 10 months
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Reason for Police Contact

Officers responded to a radio call of a “415 woman carrying a possible rifle.” An unintentional discharge occurred at the scene.

Subject	Deceased () Wounded () Non-Hit ()
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N/A	
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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.

Because state law prohibits divulging the identity of police officers 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 July 3, 2012.

Incident Summary

Witness 1 called the police when he saw a woman pointing a rifle at kids.

Communications Division (CD) broadcast a "415 woman carrying a possible rifle" radio call. The broadcast also provided a description of the woman and advised that she was screaming in a possible foreign language.

Officers A and B notified CD they were responding and requested an air unit. Officers A and B arrived at the location; however they did not see the woman and requested further information from CD. Officers A and B exited their vehicle and took a position behind a parked truck. Officer B was equipped with a shotgun and Officer A had unholstered his pistol.

Officers C and D also responded to the location and parked behind Officer A's police vehicle, and exited. An air unit arrived on scene and began to search for the woman. A perimeter was established.

Officers E and F responded to the scene, met with Witness 1, obtained a description of the woman, and broadcast the information to the other units at scene. Officers A and B redeployed their vehicle based on the information and took cover behind a parked vehicle.

The air unit utilized their public address (PA) system and attempted to call the woman out of her residence. She exited her residence several times, yelling and throwing her hands up in the air saying she was not coming out and for the officers to leave. The air unit requested an officer to utilize the PA system of a police vehicle to better communicate with the woman.

Officer A utilized the PA system in Officer D's police vehicle and began to order the woman out of her residence. After several attempts, the woman exited her residence and started to walk toward her front gate. Officer D yelled to Officer A that the woman was coming out and for him to get back. Officer A then walked toward Officers B, C, and D who were standing behind Officer A's police vehicle.

Due to the ongoing tactical situation, Officer A unholstered his weapon with his right hand and placed it down next to his right leg. During the process, he unintentionally placed his finger on the trigger and discharged one round into the pavement. Officer A immediately reholstered and advised Officers B, C, and D that he had discharged his firearm. Officer A then broadcast that he had an accidental discharge of his firearm.

Because the situation was still ongoing, Officer A unholstered his weapon again and positioned himself behind his police vehicle.

Sergeant A, who was at scene during the unintentional discharge, was able to take Officer A out of the tactical situation and directed him to wait away from the scene.

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 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 Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Unintentional Discharge

The BOPC found Officer 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:
 - Firearms Manipulations – Four Basic Safety Rules

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 tactical incident inherently results in considerations for improvement.

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

The BOPC determined that a Tactical Debrief is the appropriate outcome to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

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

B. Drawing/Exhibiting

- In this instance, Officer A drew his service pistol three times during the ongoing tactical incident. The first drawing occurred when Officer A arrived at the location. Once information was obtained regarding the woman's location, Officer A holstered his service pistol to redeploy the police vehicle. Officer A's second drawing occurred when he exited the police vehicle after utilizing the PA system. During the process, he unintentionally placed his finger on the trigger and discharged one round into the pavement. Officer A holstered his service pistol and advised other nearby officers and broadcast that he had an accidental discharge. Because the situation was still ongoing, Officer A drew his service pistol a third time and positioned himself behind his police vehicle.

The BOPC determined that an officer with similar training and experience, while faced with similar circumstances as described by Officer A, 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 exhibition of a firearm to be in policy.

C. Unintentional Discharge

- In this instance, Officer A utilized the PA system and began to order the woman out of her residence. After several attempts, the woman exited her residence and started to walk toward her front gate. Officer D yelled to Officer A that the woman was coming out and for him to get back. Officer A walked toward Officers C and D who were standing behind Officer A's police vehicle. Due to the ongoing tactical situation, Officer A drew his service pistol and placed it down next to his right leg. During the process, he unintentionally placed his finger on the trigger and discharged one round into the pavement.

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