

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 014-16

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

Olympic 2/22/16

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

Officer A 6 years, 5 months

Reason for Police Contact

Officer A was manipulating a weapon that he recovered, attempting to make it safe, when he unintentionally discharged a round.

Subject(s) 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 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 January 10, 2017.

Incident Summary

Officers received information that a known gang member (the Subject) was living in a residence and was in possession of several firearms. The Gang Enforcement Detail had prior contacts with the Subject and had knowledge that he was on probation as well as subject to search and seizure conditions.

Officers responded to the address provided, confirmed the validity of the information provide, and requested additional personnel to meet them at a nearby location. They were briefed that the Subject was living at the location and was subject to search and seizure conditions. The officers developed a plan to conduct a surround and call out, tactics were discussed, and the officers donned their ballistic helmets as they responded to the residence.

Officers approached the front door and knocked on the door, announced they were the police, and ordered the Subject to exit the location. As assisting officers were setting up to the east, they observed three males running on the roof. As they realized that one of these individuals was possibly the Subject, they alerted the officers at the front of the location, and a broadcast was made for an Air Unit and additional units to respond to set up a perimeter. A perimeter was established, but the Subject escaped. Therefore, the perimeter was terminated.

Officers subsequently entered the location and secured it to complete their probation search. Numerous items were recovered from inside, including a Pelican brand gun box. The top portion of the box was open and contained ammunition and magazines, the bottom portion of the box was locked and secured with two padlocks. Evidence was recovered that assisted in establishing that the Subject had dominion and control of the location.

Note: Officer A stated that while at the location, he pried the Pelican case open enough to peer inside and observe it contained firearms.

Upon completing the search, the location was secured and Officer A and other officers responded back to the police station, along with the recovered evidence.

Once at the station, Officer A began removing the guns from the Pelican box in order to unload them, make them safe for handling, and retrieve their serial numbers. Officer A retrieved a semiautomatic pistol. The firearm had no magazine in the magazine well. Officer A attempted to pull the pistol's operating handle to the rear to expose the chamber and lock the slide back, but was unable to do so.

Officer A believed that by separating the upper and lower receiver of the firearm, he would be separating the trigger mechanism from the firing pin mechanism, thereby rendering the weapon unable to fire. That would allow him to safely manipulate the weapon and ascertain the condition of the chamber. Officer A used a pen and removed the assembly pin, thus separating the upper and lower receivers. Officer A was seated

at a chair and holding the upper receiver in his left hand, lowered it between his legs in order to point it toward the ground. He used his right hand to pull the operating handle rearward.

Note: Officer A was holding the upper receiver upside down.

As Officer A pulled the operating handle rearward, he observed a possible round in the chamber. He asked Officer B if he also saw it. Officer A then allowed the operating handle to go forward, resulting in an unintentional discharge.

The fired bullet travelled in a northeast direction, penetrating a cubicle partition at a height of approximately 14 inches. The round continued in a northeast direction, impacted the north wall of the report writing room, and did not exit.

Uniformed Sergeant A, who was exiting the room at the time of the incident, heard the shot, looked back, and verified the well-being of all the officers in the room. Sergeant B heard the gunshot and responded immediately. He also verified the well-being of all personnel and verified that there a Non-Tactical Unintentional Discharge had occurred. Sergeant B ordered the officers not to discuss the incident, and began organizing the separation and monitoring of the officers. Sergeant B had the bullet path followed to verify it caused no injury. Sergeant C responded and obtained a Public Safety Statement (PSS) from Officer A.

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 and Exhibiting 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, made the following findings:

A. Tactics

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

B. Drawing/Exhibiting

Does Not Apply.

C. Unintentional Discharge

The BOPC found Officer A's Unintentional Discharge to be Negligent.

Basis for Findings

A. Tactics

- Officer A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident attend a Tactical Debrief. Therefore, the BOPC made a Tactics finding of Tactical Debrief.

Officer A was to attend a Tactical Debrief, which included discussions pertaining to the following topics:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code-6);
- Tactical Planning;
- Command and Control; and,
- Lethal Force.

B. Drawing/Exhibiting

- Does Not Apply.

C. Unintentional Discharge

Based on the totality of the circumstances, the BOPC concluded Officer A's actions resulting in the UD constituted operator error, requiring a finding of Administrative Disapproval, Negligent Discharge.