

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 012-22**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On ( ) Off (X)</u></b>	<b><u>Uniform-Yes ( ) No (X)</u></b>
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Outside City	4/27/22		
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<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
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Officer A	2 years, 6 months
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**Reason for Police Contact**

On April 27, 2022, Officer A was off-duty and inside his/her residence. Officer A had recently finished cleaning, reassembling, and reloading his/her duty handgun. When he/she picked up the handgun to place it in a holster, he/she advertently placed his/her right index finger on the trigger and applied rearward pressure, resulting in a Non-Tactical Unintentional Discharge (NTUD).

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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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 (CUOF) 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 (FID) 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, including any Minority Opinions; 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/she, his/her, 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 February 14, 2023.

## **Incident Summary**

On April 27, 2022, Officer A was off duty and inside his/her apartment residence. Officer A was in the kitchen area and had recently finished cleaning, reassembling, and reloading his/her duty handgun.

According to Officer A, after reloading his/her handgun, he/she set it down on the counter and stepped away for approximately 20 seconds to look at his/her phone. Upon his/her return, Officer A stood in front of the counter. He/she was facing north toward an empty guest bedroom when he/she picked up the handgun with his/her right hand so that he/she could place it in a holster. While doing so, Officer A inadvertently placed his/her right index finger on the trigger and applied rearward pressure, resulting in a Non-Tactical Unintentional Discharge (NTUD) of one round. Upon leaving Officer A's handgun, the bullet traveled north where it struck a wall in Officer A's guest bedroom.

The bullet ultimately penetrated the wall and entered a neighboring apartment residence, where it struck a doorjamb and metal window frame before coming to rest on the interior portion of a windowsill.

According to Officer A, immediately after the NTUD, he/she placed his/her handgun on the counter, exited his/her apartment, and knocked on the front door of the neighboring apartment. The door was ultimately answered by Officer A's neighbor, Witness A. Upon making contact with Witness A, Officer A advised her that he/she had unintentionally fired his/her handgun and that he/she wanted to check to ensure no one inside her residence was hurt. With Witness A's permission, Officer A entered and checked for damage and injured persons. While inside, Officer A located Witness A's child and verified that she was unharmed. Additionally, Officer A located a bullet hole in the common wall between the apartments, and a bullet-related defect to a doorjamb in the same room. Officer A was unable to locate the bullet but did not believe it left Witness A's apartment.

Approximately three minutes after the NTUD, Officer A contacted his/her division's Watch Commander's Office and spoke with Lieutenant A. At approximately 1541 hours, Officer A contacted the local police department and notified them of the NTUD. In response, the local police department dispatched Sergeant A and Officer B to the scene.

On April 27, 2022, Witness A was interviewed by FID investigators at her residence. According to Witness A, both she and her child were inside the residence at the time of the incident. Witness A was seated on her couch while her child was seated on the east side of a bed in the south bedroom area. Witness A heard a loud noise and observed part of his/her doorjamb shatter. Witness A went to the child's room and walked her to the bathroom area where she directed her into the bathtub for safety. Within a minute of hearing the noise, Witness A heard a knock on her front door. Witness A observed Officer A standing outside of her door and recognized him/her as her neighbor. Officer A explained that he/she had unintentionally discharged a firearm.

In response, Witness A allowed Officer A to enter her residence and check to make sure everyone was okay.

**Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	N/A	N/A	N/A	N/A	N/A

**Los Angeles Board of Police Commissioners’ Findings**

The BOPC reviews each Categorical Use of Force (CUOF) 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). 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 and Exhibiting**

Does Not Apply.

**C. Non-Tactical Unintentional Discharge**

The BOPC found Officer A’s NTUD to warrant a finding of Administrative Disapproval, Negligent Discharge.

**Basis for Findings**

**A. Tactics**

- Officer A’s tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a CUOF incident to attend a Tactical Debrief, the BOPC determined that it would be appropriate to MAKE a Tactics finding of Tactical Debrief.

**Tactical De-Escalation**

- Officer A was not engaged in a tactical operation. Therefore, he/she was not evaluated for tactical de-escalation.
- During the review of this incident, no Debriefing Points were noted.

## **Command and Control**

- At approximately 1530 hours, Lieutenant A notified Captain A of the NTUD. Captain A then notified the Department Operations Center. At approximately 1545 hours, Lieutenant A directed Sergeant B to respond to Officer A's residence. Sergeant B notified Lieutenant B of the incident.

At approximately 1645 hours, Sergeant B arrived at Officer A's residence and met with local police department officers outside the apartment complex.

The overall actions of Captain A, Lieutenant A, and Sergeant B were consistent with Department supervisory training and the Chief's expectations of commanding officers and field supervisors during a critical incident.

## **B. Drawing and Exhibiting**

- Does not apply.

## **C. Non-Tactical Unintentional Discharge**

- *Firearms safety is critical. Officers must have the ability to draw, holster, and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.*

### ***Basic Firearm Safety Rules***

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target.*

*Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results. For administrative purposes, the unintended discharge of a weapon is classified into two categories:*

1. *Accidental discharge: An unintended discharge of a firearm as a result of a mechanical malfunction of the firearm, not involving the shooter.*
2. *Negligent discharge: An unintended discharge of a firearm as a result of a shooter not handling a weapon in a safe manner, violating one or more of the*

*four basic firearm safety rules (Los Angeles Police Department Firearms Manual, July 2015).*

*Administrative Disapproval - Negligent Discharge: Finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

- **Officer A** – (pistol, one round)

**Scene Description:** The NTUD occurred in the kitchen of Officer A's apartment. There is an adjacent apartment on the other side of his/her north bedroom wall.

According to Officer A, he/she inadvertently placed his/her right index finger on the trigger of his/her service pistol and applied rearward pressure, resulting in the NTUD.

The BOPC noted that the Chair of the UOFRB evaluated the circumstances and evidence related to the NTUD. The Chair noted that according to Officer A, he/she "misplaced" his/her right index finger on the trigger of his/her service pistol and "accidentally" pressed the trigger, resulting in the NTUD. The Chair also noted that nothing indicated the NTUD was a result of a mechanical malfunction of the firearm. As such, the Chair opined that NTUD was a result of operator error and that Officer A's actions violated the Department's Basic Firearm Safety Rules.

The Chair noted that per Officer A's neighbor, Officer A told her that he/she was performing a trigger test when the NTUD occurred. The Chair also noted that per Officer A, he/she believed he/she told his/her neighbor that he/she accidentally pressed the trigger. Although this discrepancy could not be resolved, the Chair opined that it had no bearing on the adjudication of the NTUD. While it is possible that Officer A misspoke or that his/her neighbor misunderstood him/her, the Chair opined that it would be prudent to cover dry practice during the tactical debrief. To enhance future performance, the BOPC directed this to be a topic of discussion during the tactical debrief.

Based on the totality of the circumstances, the BOPC determined that the NTUD was the result of operator error. The BOPC found Officer A's Unintentional Discharge to be Negligent.