

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 012-23

Division	Date	Duty-On () Off (X)	Uniform-Yes () No(X)
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Outside City	3/26/23		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	28 years, 4 months
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Reason for Police Contact

Detective A was cleaning his/her back-up revolver when he/she unintentionally discharged it.

Subject(s)	Deceased ()	Wounded ()	Non-Hit ()
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Not applicable.

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 (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on December 5, 2023.

Incident Summary

On Sunday, March 26, 2023, at approximately 2020 hours, Detective A was off-duty at his/her residence. Detective A's spouse and two children were also home in their respective bedrooms.

According to Detective A, he/she was scheduled to attend a firearms training day on Monday, March 27, 2023. Detective A advised FID investigators that in preparation for

his/her training, he/she set up gun-cleaning materials on the north end of his/her kitchen table.

Detective A retrieved his/her primary-duty weapon, a semi-automatic pistol, from his/her gun safe. Detective A cleaned the pistol at his/her kitchen table and then returned it to the safe.

Detective A also retrieved his/her back-up weapon, a revolver, from the same gun safe.

Detective A brought the revolver to the kitchen table where he/she unloaded it, verified its condition via visual inspection, and "rendered the weapon safe." Detective A proceeded to clean his/her revolver. When he/she was done cleaning it, Detective A stated that he/she reloaded his/her revolver and closed the cylinder.

According to Detective A, after he/she reloaded the revolver and closed the cylinder, he/she noticed debris on the weapon. Detective A advised that there was "something in that channel where the hammer is at."

Detective A stated that he/she carried the revolver in his/her right hand into the kitchen and held it under an area where the overhead lighting was brighter. Detective A used his/her pinky, ring, and middle fingers around the revolver's grip to hold it steady. With his/her thumb and index finger from the same hand, Detective A held a cotton swab and intended to wipe away the debris. Detective A stated that the revolver was pointed down toward the floor when he/she used his/her left index finger to pull the revolver's hammer back and use the cotton swab. Detective A advised investigators that he/she, "just pulled it just enough to be able to clean it. Probably about a quarter. Probably a quarter of an inch, an eighth. It was just minor." Detective A added, "When I noticed something there, I grabbed a Q-tip, came here, pulled back on the -- on the -- on the hammer, cleaned it with a Q-tip and then (Inaudible). So that was when the accident -- accidental discharge occurred."

Detective A stated he/she never put his/her finger on the revolver's trigger, he/she had his/her finger on the hammer when the non-tactical unintentional discharge (NTUD) occurred.

When describing the NTUD and how he/she was manipulating the revolver's hammer, Detective A stated, "To be honest, I -- I let it -- if I let it go, I didn't think it was going to discharge like that." Detective A stated, "I just pulled it just enough to be able to clean it."

Initially when Detective A was speaking with FID investigators explaining how the NTUD occurred, he/she stated, "So, I noticed that there was something in there. So, I kind of brought it in into the light, and I -- I cleaned it at the same time. So, I pulled the trigger back as I was -- as I was cleaning the trigger portion, and it went off from there." Detective A then clarified that he/she was cleaning, "the hammer portion." According to Detective A he/she, "did not pull the trigger."

Following the NTUD, Detective A unloaded the revolver and placed it on top of the kitchen table along with the remaining rounds from the cylinder and the discharged cartridge casing.

At approximately 2021 hours, Detective A called his/her direct supervisor, Lieutenant A, and notified him/her of the NTUD. Detective A stated that at approximately 2054 hours, he/she called the local law enforcement agency to report the NTUD.

Nobody was injured as a result of the NTUD.

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. For every incident, 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 incident, the BOPC made the following findings:

A. Tactics

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

B. Non-Tactical Unintentional Discharge

The BOPC found Officer A's NTUD to be Negligent.

Basis for Findings

A. Tactics

- Detective A was not engaged in a tactical operation in this incident; therefore, his/her tactics were not reviewed or evaluated. However, Department guidelines require personnel substantially involved in a CUOF incident to attend a Tactical Debrief.

B. Non-Tactical Unintentional Discharge

- **Detective A** – (revolver, one round)

According to Detective A, after cleaning his/her primary-duty semi-automatic pistol, he/she retrieved his/her back-up weapon, a revolver, from his/her gun safe. Detective A brought the revolver to the kitchen table where he/she unloaded it and proceeded to clean it. When he/she was done cleaning his/her revolver, Detective A stated that he/she reloaded his/her revolver and closed the cylinder. According to Detective A, it was at this point when he/she noticed debris near the hammer portion of the weapon.

Detective A stated he/she carried the revolver in his/her right hand into the kitchen and held it under an area where the overhead lighting was brighter. He/she placed his/her right pinky, ring, and middle fingers around the revolver's grip to hold it steady. With his/her thumb and index finger from the same hand, Detective A held a cotton swab and intended to wipe away the debris. Detective A stated that his/her revolver was pointed down toward the floor when he/she used his/her left index finger to pull the revolver's hammer back "probably a quarter of an inch, an eighth" and used the cotton swab to clean it. According to Detective A, after cleaning the debris from the hammer area, his/her left index finger slipped, resulting in an NTUD. Detective A stated that he/she never put his/her finger on the revolver's trigger and that he/she had his/her finger on the hammer when the NTUD occurred.

Detective A initially stated that he/she pulled the trigger back as he/she was cleaning the trigger portion and that was when the discharge occurred. Detective A later clarified and stated he/she was cleaning, "the hammer portion," and "did not pull the trigger." He/she further stated that his/her left index finger was on the hammer when the NTUD occurred.

Forensic Science Division (FSD) completed a laboratory report of the safeties of Detective A's revolver and determined the safeties functioned as designed. According to the investigation, the revolver could only be fired with a full pull of the trigger.

The BOPC noted that the Chair of the UOFRB evaluated the circumstances and evidence related to the NTUD. The Chair noted that Detective A originally stated that he/she pulled the trigger back as he/she was cleaning the trigger portion and that was when the NTUD occurred. Detective A later corrected this statement and said that he/she was cleaning and manipulating the hammer portion of the revolver and did not pull the trigger. Furthermore, the Chair considered Detective A's description of placing his/her right pinky, ring, and middle fingers around the grip to hold the revolver steady, then using his/her right thumb and index finger to hold a cotton swab and lastly pulling the hammer back with his/her left index finger. The Chair opined that this was an awkward and precarious manipulation of the revolver by Detective A.

The Chair also considered the laboratory report provided by FSD, where the hammer of the revolver was moved rearward and released from the quarter, half, and fully rearward positions on each of the five chambers, while the trigger was not manipulated. The revolver did not discharge upon the release of the hammer in each of the three hammer positions. In conclusion, the laboratory report indicated that the revolver's safeties functioned as designed, and that the revolver could only be fired with a full pull of the trigger. The Chair noted that there was no evidence to indicate that the NTUD was a result of a mechanical malfunction.

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