

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 001-21**

<b>Division</b>	<b>Date</b>	<b>Duty-On ( ) Off (X)</b>	<b>Uniform-Yes ( ) No (X)</b>
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Northeast	1/13/21		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Detective A	31 years, 1 month
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**Reason for Police Contact**

Detective A attended the Academy to conduct a qualification shoot. Prior to attending the range, he/she went to the restroom. While there, he/she noticed that his/her pistol was partially cocked. Detective A manipulated the pistol and pressed ther trigger, resulting in a Non-Tactical Unintentional Discharge (NTUD).

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</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 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 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 Miniority 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 November 15, 2021.

## **Incident Summary**

On Wednesday, January 13, 2021, at approximately 1030 hours, Captain A and Witness A, were inside the Training Division Administration Office in the Elysian Park Police Academy Administration Building. Captain A and Witness A were at their respective desks when they each heard a gunshot. Believing the gunshot originated from one of the range facilities, Captain A commented, "Wow, that one was a loud one," and continued with his/her administrative duties.

According to Witness A, he/she is accustomed to hearing gunshots at the Academy, but believed this gunshot came from inside the Administration Building. However, when he/she did not hear any further commotion after the shot, he/she did not give the noise any additional thought. Witness A stated when he/she heard the gunshot, he/she looked at a clock and noted the time to be 1034 hours.

At approximately 1110 hours, Witness A walked to the unisex restroom, located inside the Administration Building. Witness A entered the bathroom stall and observed a discharged cartridge casing on the ground between the east side of the toilet and the bathroom stall's east wall. Witness A scanned the area and noticed what appeared to be a fresh hole on the stall's west wall in the shower area. Witness A examined the hole and believed it was consistent with an impact from a bullet. Witness A exited the restroom and notified Captain A of a possible firearm discharge in the unisex restroom. Witness A stated that he/she used the unisex restroom approximately one hour before making his/her discovery and did not see the hole in the wall at that time.

Captain A responded to the unisex restroom, entered the bathroom stall, and observed a discharged cartridge casing on the ground and a bullet hole in the west wall. Captain A checked the adjacent offices and locker room to ensure the round did not further penetrate the wall and no one was injured. After verifying there was no evidence of anyone injured, Captain A instructed Sergeant A to secure the restroom, which he/she did.

Captain A then entered an office adjacent to the stall's west wall to ascertain if the bullet passed through the wall. Captain A did not see an exit hole in the adjacent office wall and proceeded to the adjacent room. Once again, Captain A did not see an exit hole in the wall of the adjacent room and confirmed no one was injured.

According to Captain A, he/she then encountered Detective A, in the hallway. Captain A stated he/she knew Detective A from working together in the 1990s. Detective A advised Captain A that he/she had just completed the last firearms qualification of his/her police career, and it was his/her last day on the job. Captain A congratulated Detective A, and began to make telephonic notifications regarding the discharge. Captain A advised Detective A he/she could not continue talking to him/her because someone had discharged their weapon and commented, "We had someone do a shoot and run." According to Captain A, Detective A did not say anything to him/her about the NTUD, and he/she left the building.

At approximately 1130 hours, Captain A notified FID Lieutenant A of the discharge.

Force Investigation Division (FID) investigators responded and reviewed surveillance video, which covered the west entrance to the Administration Building, as well as the hallway leading to the unisex restroom. The surveillance video captured Detective A enter the Administration building at approximately 1029 hours, holding a range bag in his/her left hand and his/her equipment belt around his/her right shoulder. He/she then walked north down the main hallway and entered the hallway leading to the unisex restroom.

The surveillance video captured Detective A exiting the hallway from the unisex restroom at approximately 1034 hours. He/she then walked north down the hallway and entered a Gift Shop where he/she purchased several items. After making his/her purchase, he/she exited the Gift Shop and walked west, out of view of the cameras.

A review of surveillance video determined that no one else entered the hallway to the unisex restroom from the time Detective A exited to the time Witness A entered the restroom and discovered the expended casing and hole in the wall.

Based on the fact that no one had claimed responsibility for the NTUD at the time of FID's on-scene investigation, FID Captain A notified Internal Affairs Group (IAG), Commander A, of the investigative findings. Commander A then contacted Detective A and ordered him/her to respond to Police Headquarters Facility (PHF) to meet with FID investigators.

Detective A complied, responded to PHF, and was formally interviewed by FID investigators. According to Detective A, he/she was scheduled to retire on January 31, 2021, and had an appointment with the Firearms Unit to complete his/her last firearms qualification. The qualification appointment was scheduled for January 13, 2021, at 1100 hours.

According to Detective A, prior to leaving his/her residence for his/her qualification appointment, he/she gathered his/her equipment belt, range bag, and his/her 9-millimeter Beretta 92F semi-automatic pistol. According to Detective A, the gun did not contain a magazine, and he/she placed his/her pistol in a brown off-duty holster. He/she then placed the holstered pistol in a bag to carry to his/her car. Detective A believed the chamber of his/her pistol was empty since the gun did not have a magazine inserted and did not recall if he/she conducted a chamber check. He/she placed his/her equipment belt, range bag, and bag containing his/her holstered service pistol on his/her vehicle's front passenger floorboard and drove to the Elysian Park Academy.

According to Detective A, prior to this NTUD, he/she last handled his/her 9-millimeter Beretta 92F semi-automatic pistol, on December 22<sup>nd</sup> 2020. During the intervening period it was stored in a safe place in his/her home.

According to Detective A, he/she arrived at the Academy at approximately 1025 hours. Detective A retrieved his/her equipment from the floorboard of his/her vehicle and removed the pistol from the brown off-duty holster, placing it in the holster on his/her equipment belt. He/she then walked to the Administration Building to use the restroom before his/her qualification.

Detective A entered the unisex restroom inside the Administration Building and placed his/her equipment belt and range bag on a folding chair next to the toilet.

After using the restroom, Detective A noticed his/her holster was unsnapped and the hammer to his/her pistol was slightly cocked.

While his/her equipment belt was still on the folding chair, Detective A gripped his/her holster with his/her left hand, unholstered his/her pistol with his/her right hand, and pointed the muzzle toward the wall in a westerly direction. Detective A believed the chamber was empty, since no magazine was inserted in his/her weapon, and intended on decocking the hammer. According to Detective A, "For whatever reason, I grabbed the gun out of the holster, and I had my finger in the trigger, and that's when it went off." When asked by FID investigators why he/she placed his/her finger on the trigger, Detective A stated, "I just wasn't paying attention. That's—I can't even answer that."

Detective A stated that he/she was shocked the gun discharged, and he/she panicked. He/she holstered his/her pistol, picked up his/her gear from the folding chair, and exited the restroom without notifying a supervisor of the NTUD. When asked if he/she considered notifying a supervisor of the NTUD, Detective A stated, "Yes—well, you know, I was so shocked and surprised. I—I didn't really—I don't know. My mind was going 100 miles per hour."

According to Detective A, he/she entered the Gift Shop, purchased some items, and responded to the Bonus Range to check the condition of his/her pistol. Utilizing a loading barrel, Detective A conducted a chamber check and verified there was no round in the chamber. Detective A then responded to the Combat Range and completed his/her qualification.

According to Detective A, after his/her qualification he/she returned to the Administration Building because he/she was considering reporting the NTUD. He/she entered the main hallway, observed Captain A, and Captain A advised Detective A that someone had a NTUD. Detective A stated he/she got embarrassed and decided to leave and drive home, without notifying Captain A. When asked why he/she did not notify Captain A, Detective A stated, "I saw [Captain A], and then I saw the ruckus, like they were a little bit excited, and then [Captain A] told me, and then I got embarrassed, because he/she even hugged me, and then I got so embarrassed, and I just left."

The investigation determined that Detective A fired one round, which traveled in a westerly direction and into the stall's west wall. The bullet fragmented and did not penetrate any additional walls and there were no injuries as a result of the NTUD.

A complaint investigation was initiated against Detective A for failing to report the NTUD in a timely manner and for failing to secure the scene.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Detective 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 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 Detective A’s Tactics to warrant a Tactical Debrief.

**B. Drawing and Exhibiting**

Does Not Apply.

**C. Non-Tactical Unintentional Discharge**

The BOPC found Detective A’s Non-Tactical Unintentional Discharge to be Negligent.

**Basis for Findings**

**A. Tactics**

- In this case, Detective A was not engaged in a tactical operation. Therefore, Detective A was not evaluated for Tactical De-escalation.

Detective A’s tactics were not reviewed or evaluated as they were not a factor in this incident. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force (CUOF) incident to attend a Tactical Debrief, the BOPC determined that it would be appropriate to recommend a Tactics finding of Tactical Debrief.

During the review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Four Basic Firearm Safety Rules

- The BOPC also considered the following:
  - **Assessment for Victims Following an NTUD** – According to Detective A, following the NTUD, he/she left the restroom and went to the gift shop. Detective A's intention when entering the gift shop was to "calm down" and purchase "a few things." While the gift shop is near the restroom, Detective A made no efforts to check the surrounding rooms to determine if his/her round caused injury. In adherence with the Department's guiding principle of reverence for human life, Detective A was reminded of the importance of assessing for injured persons after a NTUD.

## **B. Drawing and Exhibiting**

- Does not apply.

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

- **Detective A** – (pistol, 1 round)

Arriving at the Academy, Detective A transitioned his/her service pistol from the off-duty holster to the holster attached to his/her equipment belt. Detective A placed his/her equipment belt over his/her shoulder and proceeded to the restroom. Entering the restroom, Detective A "dumped" his/her equipment on a folding chair, next to the toilet, along the restroom's north wall. Prior to leaving the restroom, Detective A noticed that his/her holster was unsnapped, and the hammer of his/her service pistol was "slightly cocked"; Detective A was unsure how the hammer on his/her service pistol became cocked. To "de-cock" his/her service pistol, Detective A gripped his/her holster with his/her left hand and unholstered his/her service pistol with his/her right hand. Detective A pointed the muzzle of his/her service pistol toward the west wall and placed his/her finger on the trigger, resulting in a NTUD. Because a magazine was not inserted in his/her service pistol, Detective A believed there was not a round in the chamber; however, Detective A did not recall if he/she checked to see if there was a round in the chamber. When asked by FID investigators why he/she placed his/her finger on the trigger, Detective A stated, "I just wasn't paying attention...I can't even answer that."

The BOPC conducted a thorough review in evaluating the circumstances and evidence related to the NTUD. The BOPC determined that while Detective A observed there was no magazine inserted into his/her service pistol, he/she neglected the Department's first rule of basic firearms safety - All Guns Are Always Loaded - when he/she placed his/her finger on the trigger of his/her service pistol, while attempting to de-cock his/her service pistol, without verifying if there was a round in the chamber, resulting in the NTUD.

Based on the totality of the circumstances, the BOPC determined, that the NTUD was the result of operator error. Detective A's actions violated the Department's

Basic Firearm Safety Rules, requiring a finding of Administrative Disapproval,  
Negligent Discharge.