

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

UNINTENTIONAL DISCHARGE 010-09

<u>Division</u>	<u>Date</u>	<u>Duty-On() Off(x)</u>	<u>Uniform-Yes() No(x)</u>
Outside City	02/25/09		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	2 Years, 4 Months

Reason for Police Contact

Not applicable.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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 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; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

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 October 27, 2009.

Incident Summary

Officer A was off-duty at his residence. Officer A was not in uniform, but was wearing his equipment belt. Officer A had recently purchased a new holster for his duty pistol, and had just adjusted the tension on the holster, which was attached to his belt.

Officer A practiced drawing his unloaded pistol from the new holster, and was also dry-firing the pistol each time he repeated this exercise. Officer A loaded the pistol and cleared away the tools he had used to adjust his holster. Officer A reported he practiced drawing.

Officer A forgot he had reloaded his pistol when he conducted one more dry fire exercise, which resulted in an unintentional discharge. Officer A was in his hallway when this occurred and the discharged round struck his front door.

Officer A unloaded his weapon and placed it on a counter in his bathroom and then checked on the welfare of his wife, Witness A, who was home in a different part of the residence. Officer A observed that the discharged round struck his front door so he also checked the area outside his residence to ensure nobody had been harmed.

Officer A established that nobody had been injured, so he called his Watch Commander to report the incident. A supervisor subsequently responded to the scene and initiated an investigation.

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/Holstering 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 unanimously made the following findings.

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's Unintentional Discharge to be Negligent, requiring Administrative Disapproval.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

In this instance, Officer A violated the basic firearm safety rules, resulting in an Unintentional Discharge (UD). Officer A neglected to perform a "chamber check" to ensure that his service pistol did not have a live round in the chamber prior to performing drawing, holstering and dry fire exercises resulting in an UD when he pressed the trigger.

Therefore, the UD of Officer A's service pistol unjustifiably and substantially deviated from approved Department training and was negligent in nature. A finding of Administrative Disapproval – Negligent Discharge, is a finding where it was determined that the UD of a firearm resulted from operator error, such as the violation of a firearm safety rule, which occurred in this incident.

The BOPC found that Officer A's UD required a finding of Administrative Disapproval – Negligent Discharge.