

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 014-13

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

Newton 02/08/2013

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

Officer A 17 years, 4 months

Reason for Police Contact

As an officer practiced unholstering and holstering his privately owned pistol while in the police station locker room after his shift, an unintentional discharged occurred.

Subject Deceased () Wounded () Non-Hit ()

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; 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, his, 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 19, 2013.

Incident Summary

Officer A was in the locker room in the police station. Officer A was off-duty and wearing civilian clothing.

Officer A had purchased a .45 caliber pistol as a home defense pistol; however, the pistol was loaded and stored inside his police station locker. The .45 caliber pistol had been stored in his locker for approximately three weeks and had not been carried in an on or off-duty capacity. Due to the Christopher Dorner incident, Officer A decided to take his .45 caliber pistol home as a home defense weapon.

Note: The investigation revealed that Officer A purchased the pistol from Officer B in a private party transaction. The pistol was registered with the Department of Justice to Officer A, however, he was not authorized to carry this firearm. A Department check revealed the pistol was registered to Officer B.

The investigation further revealed that Officer A had not been trained with the weapon and was therefore not authorized to carry the pistol in an official capacity.

Officer A removed his .45 caliber pistol from his locker, wanting to familiarize himself with the drawing of the pistol from its holster. Officer A indicated he was standing between his locker and a bench. Officer A did not see or hear anyone inside the locker room.

Officer A, while standing, held the holstered .45 caliber pistol in his left hand with his right hand on the grips of the pistol. Officer A unholstered and holstered the pistol with his right hand three times. When Officer A holstered the pistol the third time, he inadvertently placed his right trigger finger inside the trigger guard and depressed the thumb safety with his right thumb. Simultaneously, with his left hand, Officer A pushed the holster into his right trigger finger at which time an unintentional discharge (UD) occurred. The fired bullet travelled east through the locker room in an upward trajectory. The bullet struck a framed photograph that was on a shelf that was mounted on the east wall of the locker room. The fired bullet went through the photograph and perforated the east wall of the locker room.

Officer A engaged the pistol's safety and holstered the firearm. Officer A observed an expended casing on the floor near his locker. Since no one was present inside the locker room to monitor the evidence, Officer A picked up the expended casing and placed it and the .45 caliber pistol inside his locker. Officer A closed his locker and immediately notified the Watch Commander of his unintentional discharge.

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). 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 actions to warrant a Tactical Debrief.

C. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent, warranting administrative disapproval.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC noted the following debriefing point:

1. Inspection and Registration of Concealed Firearms

The investigation revealed the pistol was registered by Officer A with the Department of Justice. However, a check of the LAPD Firearm Inventory Tracking System determined that the pistol was still registered to the previous owner, Officer B. Officer A did not notify the Department armory that the pistol was transferred to him from Officer B. Additionally, Officer B did not notify the Department armory of the firearms transfer, as required.

Additionally, at the time of this UD, Officer A had not attended the relevant firearm transition school. However, he submitted a request to attend the next available training course.

Officers have a duty to ensure that all firearms in their possession are properly registered with the Department armory, affording accountability and tracking of said firearms. The BOPC has determined that both Officers A and B did not meet this administrative Department requirement.

As for Officer B, Captain A, Officer B's Commanding Officer, has counseled him on the importance of notifying the Department armory of any firearm ownership changes and documented the above actions on an Employee Comment Card.

- The following additional debriefing points were also noted:
 - Firearms Manipulations – Four Basic Firearms Safety Rules.
 - Operating Procedures of the Springfield 1911 pistol.
 - Preservation of Evidence

Officer A picked up the expended casing from the locker room floor and placed it in his locker along with his pistol. Officer A is to be reminded that preservation of evidence is vital to ensuring that the investigative process is able to be completely thorough and accurate.

- Although, the officer was off-duty and there were no identified tactical concerns, Department guidelines require that officers who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief.

In conclusion, the BOPC found Officer A's actions to warrant a Tactical Debrief.

C. Unintentional Discharge

- Officer A was off-duty in the locker room of the police station. Officer A was familiarizing himself with his .45 caliber pistol and its holster. Officer A drew and holstered his pistol three times, while holding the holster in one hand and the pistol in the other hand. On the third time, as he holstered, Officer A inadvertently placed his index finger inside of the trigger guard and pressed the trigger. As a result, a UD occurred. Officer A engaged the pistol safety and holstered it.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and found that his actions were negligent in nature, warranting a finding of administrative disapproval.