

Incident Summary

According to Officer A, he/she and Witness A had been home all day watching television. They got up to go to the store, and Officer A secured his/her off-duty weapon inside his/her waistband in a Department-approved holster. When they returned home from the store, Officer A removed his/her holstered weapon and put it down on the table next to the door. Officer A then picked up the holstered weapon with his/her left hand, and with his/her right hand, he/she began to pull the weapon out of the holster so he/she could clean it. As Officer A was doing this, his/her right index finger slipped into the trigger guard and pulled the trigger. This caused the weapon to discharge into the front door.

Immediately following the discharge of the weapon, Officer A notified Watch Commander, Lieutenant A. Officer A then contacted his/her neighbor, Witness B, and verified that no one had been injured by the bullet. Officer A called 9-1-1 and notified Communications Division that he/she was an off-duty officer and that an "accidental" discharge had occurred.

According to Witness A, she and Officer A had been home all day watching television because she was not feeling well. They went to the grocery store at around 8:30 p.m. and they returned home approximately a half hour later. Witness A went to the bathroom, when she heard the gun go off. Witness A ran out at which time she saw Officer A standing by the door panicking. According to Witness A, Officer A told her that he/she accidentally fired a gunshot after which he/she opened the door and checked on the neighbors. Witness A further indicated that Officer A had not had anything to drink prior to the incident and that they had been getting along fine all day.

According to Witness B, she was in unit next door cooking dinner. Witness B indicated that she was in the kitchen, and her husband, Witness C was in a back room. Witness B heard a loud bang and thought that something might have fallen. Witness B believed that an earthquake might be occurring, and something had fallen so she stood very still. However, when Witness B did not feel anything moving, she realized that it was not an earthquake. Witness B walked into the living room and noticed debris on the floor. Additionally, Witness B observed a hole in her front door. Upon opening the front door, Witness B saw Officer A standing there, and Officer A explained to her that he/she was a police officer and his/her gun had gone off as he/she was unloading it. Officer A did not appear intoxicated to Witness B. She also indicated that prior to hearing the gunshot, she had not heard any arguing or unusual noise coming from Officer A's apartment.

Witness C stated that he had been in the back office listening to music and working when he heard a loud bang and heard Witness B scream. Witness C walked into the living room and saw debris, pieces of the door on the floor, and a hole that was in the door. When the door was open, Officer A was standing there and began apologizing about the incident. According to Witness C, Officer A did not appear to be intoxicated or

in any form of altered state. Additionally, Witness C did not hear any loud noises, arguing, or fighting next door prior to hearing the gunshot.

The investigation revealed that there was no indication that Officer A was despondent or that the incident was a result of him/her attempting to harm himself/herself.

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 Officers A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's non-tactical unintentional discharge to be negligent, warranting a finding of Administrative Disapproval.

- During its review of the incident, the BOPC considered the following:
- Firearms Manipulations – Four Basic Firearms Safety Rules.
- **Officer A** – (pistol, one round)

Officer A had returned to his/her residence after going to the store with Witness A. Officer A removed his/her holster, which contained his/her off-duty pistol, from his/her waistband and set it down on a table next to the front door. Shortly thereafter, Officer A decided to clean his/her pistol and picked up the holstered pistol with his/her left hand. Officer A pointed the holstered pistol at the front door and with his/her right hand, he/she began to remove the pistol from the holster. As Officer A was doing this, his/her right index finger slipped into the trigger guard and pulled the trigger. This caused the pistol to discharge one round into the front door.

Upon reviewing the evidence, the BOPC determined that the NTUD was the result of operator error. Officer A pressed the trigger of his/her loaded pistol while attempting to remove the pistol from the holster. Additionally, when Officer A was attempting to

remove the pistol from the holster, he/she pointed the pistol in an unsafe direction towards the front entry door of his/her residence.

The BOPC found that Officer A's action violated the Department's Basic Firearm Safety Rules and found Officer A's Unintentional Discharge to be Negligent.