

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 036-13**

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

Outside City                      4/15/13

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

Captain A                      25 years, 4 months

**Reason for Police Contact**

Does not apply.

**Subject(s)**                      **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.

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 January 21, 2014

## **Incident Summary**

Captain A flew out of the state to attend a police conference. Captain A checked into a hotel, entered his room, unpacked his bag, and made preparations to go to sleep. Captain A retrieved his handgun from his luggage. Captain A planned to remove his weapon from its holster and place it on the night stand next to his bed. In doing so, Captain A stood between two double beds in his room and held the holstered gun with his left hand in front of him at chest level. Captain A grabbed the grip of the gun with his right hand and pulled the gun out of its holster, parallel to the ground. As that occurred, Captain A unintentionally discharged his weapon. Captain A did not realize that his finger was on the trigger when he removed the weapon from its holster. After hearing the gunshot, Captain A noticed a bullet hole in the lampshade to the lamp on the nightstand.

After the discharge, Captain A holstered the pistol and set the weapon on the bed to his right. Captain A realized the bullet traveled through the lampshade and entered the wall. Captain A immediately notified hotel security to check on the welfare of the occupants in the adjacent room and directed security to call the local police department.

## **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 unanimously made the following findings.

### **A. Tactics**

The BOPC found Captain A's tactics to warrant a Tactical Debrief.

### **B. Unintentional Discharge**

The BOPC found Captain A's unintentional discharge to be negligent, warranting Administrative Disapproval.

## **Basis for Findings**

### **A. Tactics**

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

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

### **B. Unintentional Discharge**

- Captain A stored his pistol in an open top concealment holster when he retrieved it from his luggage. Captain A held the holstered pistol with his left hand, grabbed the grip of the pistol with his right hand and pulled it from the holster. Simultaneously, Captain A's finger inadvertently pressed the trigger, resulting in an unintentional discharge. Captain A immediately holstered the pistol and placed it on the bed.

The BOPC evaluated the circumstances relevant to Captain A's unintentional discharge and determined that the discharge of the pistol resulted from operator error, thus violating the Department's Basic Firearm Safety Rules.

In conclusion, the BOPC found Captain A's unintentional discharge to be negligent, warranting Administrative Disapproval.