

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 047-12

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
Outside City	07/22/12		

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years

Reason for Police Contact

Officer A accidentally discharged his pistol while practicing using his night sights, off-duty, at his residence.

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 suspect 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 February 5, 2013.

Incident Summary

Off-duty Officer A returned home by himself after going to the movies with friends. Officer A had not consumed any alcoholic beverages. Officer A was in the kitchen area of his residence where he removed his pistol from his off-duty holster with the intention of placing it in a kitchen drawer where he usually stored it. Before placing the pistol in the drawer, he decided to practice using his night-sights to maintain his proficiency, as he usually works patrol at night. According to Officer A, the kitchen was dark. Officer A

explained that he has performed this procedure on numerous occasions in the past. He begins in a low-ready position, raises the muzzle up on target to a shooting position several times and then places the pistol in the drawer, without any issues.

On this occasion, Officer A assumed a two-handed shooting stance and held his pistol in a low-ready position with his right index finger on the side of the frame. Officer A was standing faced toward a walk-in pantry wall. Officer A brought the pistol up to eye level and acquired his sights approximately four times. The fifth time, Officer A brought the pistol up to eye level; inadvertently moved his index finger to the trigger and fired one round.

After the round was fired, Officer A placed his pistol on the counter and regained his composure. Officer A then investigated the path of the bullet. He walked to the office area, which was behind the kitchen pantry and observed the bullet had traveled through both interior walls. Officer A went to the garage area and observed the bullet had travelled through the interior wall, passed through the aluminum garage door and into his neighbor's house across the street. Officer A grabbed his cellular telephone, ran outside and called Sergeant A, notifying him of the unintentional discharge. Officer A observed a bullet hole in the front window of his neighbor's residence directly across the street. He knocked on the front door, spoke to the resident, Witness A, and verified that no one was injured inside the residence.

As Officer A spoke to Witness A, Sheriff's Deputies A and B arrived at the scene. Deputies A and B recovered an expended bullet from the kitchen floor of Witness A's residence, and completed an Accidental Shooting Incident Report.

Sergeant B then arrived and obtained a Public Safety Statement from Officer A. Officer A told Sergeant B he had an unintentional discharge. Officer A stated the round traveled in a northeast direction and his neighbor, Witness A, heard the gunshot. Sergeant B monitored Officer A until the arrival of Force Investigation Division detectives.

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

The BOPC found Officer A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's lethal use of force to warrant a finding of Administrative Disapproval – Negligent Discharge.

Basis for Findings

A. Tactics

- Although this incident involved off-duty personnel 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. To that end, the BOPC determined that it would be appropriate for Officer A to attend a Tactical Debrief.

B. Drawing/Exhibiting

- Does not apply.

C. Unintentional Discharge

- In this instance, prior to practicing the utilization of his service pistol's night sights, Officer A failed to properly unload his handgun and conduct a chamber check to

verify the condition of the pistol. As a result, when Officer A's finger inadvertently pressed the trigger, the pistol discharged resulting in an unintentional discharge.

The BOPC evaluated the circumstances relevant to Officer A's Unintentional Discharge and have determined the unintentional discharge to be negligent.