

ABRIDGED SUMMARY OF A UNINTENTIONAL DISCHARGE OF A FIREARM AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

UNINTENTIONAL DISCHARGE – 075-09

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southwest	10/28/09		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	11 months

Reason for Police Contact

As Officer A removed his pistol from his locker, he placed his finger near the trigger, resulting in an unintentional discharge.

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 (UOFRB) 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, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on April 27, 2010.

Incident Summary

Officer A was preparing for his start of watch inside the locker room. Officer A finished putting on his uniform/equipment belt, and reached for his weapon, which was on the top shelf of his locker. Officer A took hold of his weapon with his right hand, and placed his finger near the trigger. Officer A then attempted to holster his weapon, but realized that he did not have a firm grip on the weapon. As Officer A squeezed his hand to obtain a firmer grip, he unintentionally discharged a round from weapon.

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 while 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

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent.

Basis for Findings

In his analysis of the incident, the BOPC identified the following consideration:

1. Officer A negligently discharged a round from his service pistol.

In this instance, Officer A neglected to keep his finger off the trigger in accordance with the basic firearm safety rules when he was handling his pistol which resulted in the unintentional discharge.