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

**UNINTENTIONAL DISCHARGE – 086-13**

| Division | Date | Duty-On () Off (X) | Uniform-Yes (X) No () |
|---|---|---|---|
| West Los Angeles | 9/27/13 | | |

| Officer(s) Involved in Use of Force | Length of Service |
|---|---|
| Officer A | 1 year, 1 month |

**Reason for Police Contact**

Officer A was off-duty in the station locker room preparing to start his shift when he had an unintentional discharge.

| 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 July 29, 2014.

## Incident Summary

Officer A was in the men's locker room at the police station preparing for his start of watch. Officer A was standing in front of a locker. Officer A was approached by Officer B and the two began to have a conversation. The officers discussed how their back-up weapons had developed rust due to the recent humidity. Officer B showed his weapon to Officer A and told him he was able to remove all of the rust using a wire brush. Officer A then removed his back-up weapon from his left front pocket and removed it from its holster.

Officer A wanted to show Officer B the rust inside the cylinder of his gun and decided to unload his weapon. Officer A held the weapon down at a 45 degree angle with his right hand supported by his left. He then tried to open the cylinder by depressing the cylinder release lever with his right thumb and using his right index finger to push the cylinder open to the left. However the cylinder did not open. Officer A then applied additional pressure to the cylinder release lever and tried to push the cylinder open with his index finger. In doing so, he inadvertently pulled the trigger and discharged a round from his weapon. The bullet impacted the lower portion of the locker, ricocheted off of the locker and came to rest on the floor in front of another locker.

> **Note:** Officer B was standing to the left of Officer A when he discharged his weapon.

Officer A immediately realized he had just discharged a round from his weapon and decided to unload his handgun and contact a supervisor. Officer A opened the cylinder, removed four cartridge cases and one spent casing, and then secured all of the items in his locker. He then made contact with Sergeant A and informed him of the incident. Sergeant A obtained a Public Safety Statement (PSS) and directed Officer A not to discuss the incident. Sergeant A also ordered Officer B and Officer C, who was a heard-only witness, not to discuss the incident.

## 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 Officer A's tactics to warrant a Tactical Debrief.

## B. Unintentional Discharge

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

## Basis for Findings

## A. Tactics

- During the BOPC's review of this incident, the following Debriefing Points were noted:

  - Firearms Manipulations – Four Basic Firearms Safety Rules.
  - Safety and Manipulations of a Revolver.
  - Loading Standards and Procedures.

  Although Officer 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. To that end, the BOPC determined that it would be appropriate to recommend a Tactics finding.

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

## B. Unintentional Discharge

- Officer A removed his back-up pistol from its holster and attempted to unload the cylinder of his back-up pistol. Consequently, Officer A held the back-up pistol in his right hand while pointing it toward the floor. Officer A then attempted to depress the release lever with his right thumb while exerting lateral pressure on the cylinder with his right index finger. Officer A was unable to open the cylinder of the back-up pistol, therefore he applied additional pressure with his right index finger. Subsequently, Officer A inadvertently depressed the trigger to the rear, causing a round to be discharged.

  The BOPC evaluated the circumstances relevant to Officer A's UD and determined that the discharge resulted from operator error, thus violating the Department's Firearm Safety Rules, as well as standing orders regarding the use of loading/unloading barrels.

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