

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

**UNINTENTIONAL DISCHARGE 092-08**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X) Off( )</u></b>	<b><u>Uniform-Yes( ) No(X)</u></b>
Northeast	10/26/08		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Sergeant A	27 years, 6 months

**Reason for Police Contact**

Not applicable.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Not applicable.			

**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 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, 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 August 25, 2009.

**Incident Summary**

Sergeant A was on duty and attending training at the Los Angeles Police Academy. The training required that all weapons and magazines be unloaded. Sergeant A walked into a room adjoining the training location and unloaded the rounds from two magazines he had in his possession. Sergeant A then removed a magazine from his pistol. Sergeant A's intention was to unload the magazine and then to holster the pistol and take it to an unloading barrel in order to remove the round from the weapon's chamber.

As Sergeant A held the pistol in his right hand and moved his left hand to the grip, Sergeant A unintentionally discharged a round. The weapon was pointed downward at the time of the discharge and the expended projectile struck the floor. Sergeant A then holstered the pistol.

A subsequent inspection of Sergeant A's pistol revealed that it was in good condition, all safeties were in place, and the pistol was functioning properly.

### **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.

#### **Unintentional Discharge**

The BOPC found Sergeant A's unintentional discharge to be negligent, warranting administrative disapproval.

#### **Basis for Findings**

#### **Unintentional Discharge**

The BOPC noted that the unintentional discharge was due to operator error. Department-approved training relative to basic firearm safety rules directs that firearms should always be handled as if the firearm is loaded, and that the operator's finger should be off the trigger unless the operator has sights aligned, and intends to shoot.

The BOPC found that Sergeant A failed to adhere to the basic firearm safety rules while handling his service pistol. Accordingly, the BOPC found Sergeant A's unintentional discharge to be negligent, warranting administrative disapproval.