

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 100-13**

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

Rampart      12/11/13

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

Officer A      27 years, 1 month

**Reason for Police Contact**

An on-duty officer picked up his pistol and an unintentional discharged occurred.

**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 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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on October 14, 2014.

## **Incident Summary**

Officer A was inside the restroom located on the first floor inside the Rampart Community Police Station. Officer A removed his police belt keepers, placed them on the bathroom floor, un-holstered his pistol, and set it on top of his keepers with the muzzle of the pistol pointed away from him. Officer A then hung his police belt from a railing.

Officer subsequently bent over to pick up his pistol with his right hand. He placed his right hand on the pistol, inadvertently placing his right thumb between the trigger and the trigger guard, with his fingers on the pistol grip. Officer A stood up as his focus shifted to the right, because he was trying to avoid hitting his head on the toilet and not lose his balance. Officer A continued to focus his attention over his right shoulder, when he applied pressure to the trigger with his right thumb and discharged one round into the north bathroom wall. The round impacted the north bathroom wall, which caused minor damage to the wall tiles.

There were no injuries as a result of this 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 most cases, 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). In this incident, there was no Drawing/Exhibiting of a firearm, and no Use of Force by the officer involved. 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 will 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 made the following findings.

### **A. Tactics**

The BOPC found Officer A's actions 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**

Because Officer A was not involved in a tactical event at the time of this incident, there were no identified tactical concerns. However, Department guidelines require that personnel who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief.

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

### **B. Unintentional Discharge**

**Officer A** – (pistol, one round)

In this instance, while attempting to recover his semiautomatic pistol, Officer A inadvertently placed his right thumb between the trigger and the trigger guard and applied pressure, resulting in an unintentional discharge. Officer A's actions caused the unintentional discharge (UD) of the firearm.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that his actions were negligent in nature, warranting Administrative Disapproval.