

**ABRIDGED SUMMARY OF A NON-TACTICAL NEGLIGENT DISCHARGE OF A
FIREARM AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE
COMMISSIONERS**

NON-TACTICAL NEGLIGENT DISCHARGE – 010-08

<u>Division</u>	<u>Date</u>	<u>Duty-On()</u>	<u>Off(X)</u>	<u>Uniform-Yes()</u>	<u>No(X)</u>
Outside City	02/05/08				

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Detective A	23 years, 4 months

Reason for Police Contact

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 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 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 December 9, 2008.

Incident Summary

Detective A was alone at his residence, which is located outside the city of Los Angeles. Detective A went upstairs to the second floor bedroom to “dry-fire” his service pistol, and retrieved his pistol from a dresser in the bedroom. Using a lamp for illumination, Detective A conducted a chamber check of his pistol with the magazine seated in the well of the weapon. Detective A pulled the slide to the rear and looked into the firing chamber. Detective A did not observe that the pistol was still loaded. Detective A pointed the gun at his bedroom wall, pressed the trigger, and discharged one round, which struck the interior and exterior walls of the residence.

After the shot was fired, Detective A removed the weapon's magazine and picked up the expended casing from the floor. Detective A went next door to check on the safety of his neighbors and then telephoned the local law enforcement agency and Los Angeles Police Department.

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. Non-Tactical Negligent Discharge

The BOPC found Detective A's discharge of his pistol to be negligent, requiring administrative disapproval.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting

Does not apply.

C. Non-Tactical Negligent Discharge

The BOPC was critical that Detective A failed to perform an adequate chamber check of his service pistol prior to practicing with the weapon.

The BOPC found Detective A's discharge of his pistol to be negligent, requiring administrative disapproval.