

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 034-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	04/02/08		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	10 years, 7 months

Reason for Police Contact

Not applicable.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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 February 17, 2009.

Incident Summary

Police Officers A and B arrived at a jail facility with an arrestee. Prior to commencing the booking process, Officer A secured his service pistol and his baton in a gun locker located outside of the release desk.

After the arrestee was processed, Officer A returned to the gun locker to obtain his pistol and baton. Officer A unlocked the gun locker, retrieved his baton and placed it in its holder. As described by Office A, "I then removed my primary duty weapon from the

locker, by grabbing the weapon in an overhand grip. I placed my right thumb on the slide and my four fingers over the trigger guard and frame. Once the weapon was out of the locker, I attempted to re-grip the weapon with a pistol grip. During the transition into the pistol grip, my right index finger inadvertently slipped into the trigger guard and pressed the trigger, causing it to discharge downward in northwesterly direction into the concrete floor of the gun locker room.”

After the discharge, Officer A placed his pistol and his baton back into the gun locker and locked it and then notified Sergeant A of the unintentional discharge.

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.

A. Unintentional Discharge

The BOPC found Officer A’s unintentional discharge to be negligent, warranting administrative disapproval.

Basis for Findings

A. 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 Officer A failed to adhere to the basic firearm safety rules while handling his service pistol. Accordingly, the BOPC found Officer A’s unintentional discharge to be negligent, requiring administrative disapproval.