

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

**NON-TACTICAL NELIGENT DISCHARGE – 058-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off( )</b>	<b>Uniform-Yes( ) No(X)</b>
Hollenbeck	7/20/06		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	10 years, 6 months

**Reason for Police Contact**

Officer was on duty and cleaning his weapon, which discharged.

**Subject Deceased ( ) Wounded ( ) Non-Hit ( )**

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 BOPC 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.

The following incident was adjudicated by the BOPC on June 5, 2007.

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.

**Incident Summary**

Officer A was at his desk in an office at the Hollenbeck Police Station, where he was cleaning several of his weapons. While cleaning his handgun, Officer A removed a loaded magazine from the weapon and then left his desk to use the restroom.

When Officer A returned, he noticed that six other officers were present in the office, along with one citizen informant. Officer A began cleaning his handgun again and when he was disassembling the gun, Officer A inadvertently neglected to clear the chamber, which still contained one round of ammunition. In order to disassemble the gun, Officer A was required to pull the trigger. Before doing so, Officer A noted where everyone else inside the office was located and pointed the muzzle of his handgun toward the ground.

Officer A then pulled the trigger of the gun in order to disassemble it. When he did so, he heard a loud bang. Officer A manually locked the slide of the gun to the rear, verifying that the gun was now clear, and placed the gun on his desk. Sergeant A, who was present in the office, asked if anyone was hit and which way Officer A had fired.

Officer A observed that nobody in the office was injured and that he had fired his weapon downward, in a northeasterly direction. Officer A then noticed a hole in his backpack, which was located approximately three feet north of him. Officer A opened the backpack and recovered his expended round. Officer A then observed that the spent casing from the round had landed approximately four to five feet east of him, on the floor.

### **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. Tactics**

- Does not apply.

#### **B. Drawing/Exhibiting/Holstering**

- Does not apply.

#### **C. Use of Force**

- The BOPC found Officer A's negligent discharge to warrant administrative disapproval.

## **Basis for Findings**

### **A. Tactics**

Does not apply.

### **B. Drawing/Exhibiting**

Does not apply.

### **C. Use of Force**

- The BOPC noted that, while inside the trailer, Officer A removed the magazine from his service pistol, preparing to clean the weapon. Prior to fully unloading his pistol, Officer A utilized the restroom, leaving his pistol unattended and loaded upon a desktop. Upon his return, Officer A depressed the trigger in order to complete the unloading/disassembly process, resulting in the negligent discharge of a single round. There were six Department employees and a civilian present inside the trailer when the discharge occurred.

The BOPC noted that there are several mitigating factors that contributed to this incident. Once Officer A initiated the unloading sequence for his pistol, he should have completed it and verified the weapon's status prior to depressing the trigger. Officer A should have maintained control of his pistol when he left for the restroom and in the event that he did not, as in this case, should have conducted a "chamber check" to verify the pistol's status once he resumed control of it. Lastly, although not prohibited by Department policy, it would have been prudent for Officer A to discontinue the cleaning process of his pistol once he realized that there was a civilian present in the trailer.

The BOPC was critical that Officer A failed to adhere to the basic firearm safety rules while handling his service pistol. A negligent discharge is a serious incident that cannot be mitigated. The BOPC found Officer A's use of force as negligent, warranting administrative disapproval.