

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

NON-TACTICAL NEGLIGENCE DISCHARGE 068-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes(X) No ()
Wilshire	07/02/07		

Involved Officer(s)	Length of Service
Sergeant A	28 years, 2 months

Reason for Police Contact
Officer was on duty and handled his pistol, which resulted in its discharge.

Subject	Deceased ()	Wounded (X)	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 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 March 25, 2008.

Incident Summary

Uniformed West Traffic Division Sergeant A was on duty at the station. Sergeant A visited the second floor men's restroom. Nobody else was present in the restroom at the time of this incident. Sergeant A entered a stall and unholstered his pistol, and hung his pistol by its trigger guard on the coat hanger inside the stall's door. Sergeant A did not report why he unholstered his pistol. Sergeant A then decided not to use the restroom due to its "filthy" condition, and intended to visit another restroom, so Sergeant A retrieved his pistol. As Sergeant A did so a round discharged in an upward direction from the weapon, penetrating the ceiling of the restroom. Sergeant A secured his pistol.

West Traffic Division Sergeant B heard the gunshot, responded to the restroom and obtained a Public Safety Statement from Sergeant A.

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 B's use of force to be negligent, requiring administrative disapproval.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting

Does not apply.

C. Use of Force

The BOPC noted that Sergeant A reached upward to reacquire his service pistol from its hanging position on the coat hanger hook, discharging one round upward in a slightly southeasterly direction, striking the ceiling approximately five feet from the pistol. The BOPC was critical that Sergeant A's 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 to negligent, requiring administrative disapproval.