

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 082-11

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

Southwest 09/12/11

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

Officer A 3 years, 4 months

Reason for Police Contact

As an officer retrieved his gun from inside his locker and attempted to remove the attached tactical light, a non-tactical unintentional discharge 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 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 July 10, 2012.

Incident Summary

Officer A was in full uniform and standing in front of his locker at the station prior to his start of watch. Officer A reached into his open locker to retrieve his duty firearm. During an inspection of the attached tactical light, it was determined the light was not functioning. Officer A held the firearm and grip with his right hand and his finger along the barrel. Officer A reached forward toward the attached light with his left hand in an attempt to release and remove it. In attempting to remove the light, Officer A's left hand slipped off the tactical light and an unintentional discharge occurred.

The firearm discharged a round through the interior of the locker and continued into the adjacent locker, one east of Officer A's locker. The round penetrated the locker, finally coming to rest in the interior portion of an adjacent wall. The round was stopped by a metal mesh wiring embedded inside the dry wall. The impact of the round did not penetrate the metal screen; however, the force of the impact dislodged an approximate quarter-size diameter of debris from the wall. After the firearm discharged, Officer A placed his weapon on the floor and waited for a supervisor. A subsequent weapon inspection determined that Officer A's pistol was in good mechanical condition.

Officer A was not injured during 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 every case, 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). 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 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

- Officer A was attempting to remove his tactical light from his service pistol when his hand slipped and made contact with the trigger resulting in an unintentional discharge. The BOPC was concerned with the fact that Officer A attempted to perform the above mentioned manipulations with a firearm that had not been

properly downloaded to ensure that it could be done in a safe manner. In fact, current training practices require officers to remove the slide from the frame of their pistols prior to conducting the manipulations required to install and remove the tactical light.

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