

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

**TACTICAL NEGLIGENT DISCHARGE 088-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On( ) Off(x)</u></b>	<b><u>Uniform-Yes( ) No(x)</u></b>
Outside City	10/08/2006		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	1 year, 4 months

**Reason for Police Contact**

Officer was off duty at his residence and handled his duty weapon, which discharged.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
N/A			

**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, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on April 24, 2007.

**Incident Summary**

Officer A was off-duty and arrived at his residence. Once inside of his bedroom, Officer A removed his department issued service pistol from its holster and heard the hammer partially cock. Officer A then drew his service pistol to a low ready position with the barrel pointed at a 45-degree angle toward the floor and attempted to de-cock the hammer by guiding the hammer forward with his right thumb while simultaneously pulling the trigger. Officer A pulled the trigger of his service pistol.

The hammer slipped past his thumb causing the pistol to discharge a single round into the floor of his bedroom.

The investigation revealed that none of Officer A's neighbors were injured as a result of the negligent discharge. However, Officer A sustained a superficial cut to his thumb. Immediately following the discharge, Officer A notified the local Police Department and the Watch Commander, Sergeant A at his assigned division.

The local Police Department conducted an investigation of the negligent 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. Tactics**

Does not apply.

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

Does not apply.

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

The BOPC finds Officer A's use of force to be negligent, requiring administrative disapproval.

### **Basis for Findings**

#### **A. Tactics**

Does not apply.

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

Does not apply.

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

The BOPC noted that Officer A removed his pistol from the holster secured on his waistband and heard the hammer partially cock. Officer A drew his service pistol to a low ready position with the barrel pointed at an approximately 45-degree angle toward the floor. A visual inspection of his service pistol confirmed that his hammer was partially cocked. Officer A failed to utilize the de-cocking lever to render his pistol safe, as trained by the Department. Instead, Officer A, with his service pistol in his right hand, attempted to guide the hammer forward by placing his thumb on the hammer while simultaneously pressing the trigger. The hammer slipped from his control, causing the firearm to discharge once. Following the discharge of his weapon, Officer A immediately notified Sergeant A.

The BOPC noted 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. As such, the BOPC found Officer A's use of force to be negligent, requiring administrative disapproval.