

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 095-07

<u>Division</u>	<u>Date</u>	<u>Duty-On() Off(X)</u>	<u>Uniform-Yes() No(X)</u>
Outside City	10/12/07		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	1 year

Reason for Police Contact

Officer was off duty at his residence and handled his service weapon.

<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 the 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 and addenda items); the Training Evaluation and Management System materials of the involved officer; 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. 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 and for ease of reference, masculine pronouns (he, his, and him) are used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on October 7, 2008.

Incident Summary

Officer A was off-duty at his residence, seated on a couch in the living room. Officer A picked up his unholstered pistol from the couch and as he prepared to remove the magazine from the weapon, he verified that there was a round in the chamber. Officer A held his pistol in a two-handed low-ready grip, with his forearms on his thighs, and the pistol pointed downward. Officer A used his right thumb to press the pistol's magazine release, but the magazine remained in the pistol. Officer A then attempted to pull the magazine out with his left hand while pressing the magazine release with his right thumb.

In an attempt to gain more leverage, Officer A placed the heel of his left foot on top of his right foot. As he pulled on the magazine, Officer A's left hand slipped off the magazine, his body leaned backwards, and his left leg raised up. Simultaneous with his leg raising up, Officer A unintentionally discharged a round from his pistol. The round struck and perforated Officer A's left calf, then struck the back of a chair located in the living room.

Officer A was transported by ambulance to a hospital for treatment of his injury.

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. Unintentional Discharge

The BOPC found Officers A's unintentional discharge to be negligent.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

Department approved training relative to basic firearm safety instructs that a person handling a gun must always treat the weapon as loaded, and should never allow the muzzle to cover anything the operator is not willing to shoot. Further, the operator must keep the index finger off the trigger until sights are aligned on the target, and the operator intends to shoot.

Officer A failed to adhere to basic firearm safety rules, resulting in a negligent discharge of his firearm and him being struck in the leg with a bullet.

The BOPC found Officers A's unintentional discharge to be negligent, warranting administrative disapproval.