

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

NON-TACTICAL NEGLIGENT DISCHARGE – 098-06

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Northeast	11/02/06		

Involved Officer(s)	Length of Service
Officer A	4 years, 5 months

Reason for Police Contact
N/A

Subject(s)	Deceased ()	Wounded ()	Non-Hit ()
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 Subject 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 July 24, 2007.

Incident Summary

Officer A was in the restroom. Officer A removed his duty belt and placed it on a sink. He then removed his pistol and radio from their holsters and placed them on the flat portion of the sink. After using the facilities, Officer A walked back to the sink, put his belt back on and reholstered his radio. Officer A then began to reholster his pistol, placing his right index finger along the side of the barrel. The pistol jammed on the holster, and Officer A rocked it forward while applying downward pressure in an attempt to seat the pistol into the holster. As he did this, Officer A's index finger slipped inside of the trigger guard. The continued downward pressure on the pistol then caused Officer

A's finger to squeeze the trigger. A single round discharged from the pistol, striking the bathroom 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 use of force to be negligent.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Use of Force

The BOPC was critical that Officer A failed to adhere to 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 be negligent.