

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

NON-TACTICAL NEGLIGENT DISCHARGE – 101-06

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Hollywood	11/13/06		

Officer(s) Involved in Use of Force	Length of Service
Officer A	1 year, 3 months

Reason for Police Contact
Officers were conducting a death investigation.

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 17, 2007.

Incident Summary

Officers A and B were at a scene conducting a death investigation. The death in question was the apparent suicide of a person, who had sustained a single gunshot wound to his head and died at the scene. A revolver lay on the floor alongside the decedent's body. Also present at the scene was Investigator A.

As Officer B was outside the address dealing with members of the decedent's family, Investigator A retrieved the revolver from the floor. Investigator A attempted to open the weapon's cylinder by pressing the release lever; however, the cylinder did not open. Investigator A then pressed the revolver's hammer, placing the weapon in single-action mode, and made a second unsuccessful attempt to release the cylinder by pressing the release lever.

Investigator A asked Officer A for assistance in opening the revolver's cylinder. Officer A told Investigator A to push down on the release lever while opening the cylinder. Investigator A then asked Officer A to help him. Officer A put on a pair of latex gloves and took the revolver from Investigator A.

Officer A observed that the hammer of the revolver was in the cocked position and that the trigger was staged. Officer A pointed the weapon towards the wooden base of the kitchen sink and pressed the revolver's cylinder release lever. When the cylinder did not open, Officer A turned his head and called out to Officer B. When Officer A then turned back, the revolver discharged.

The discharged round struck the wooden base of the sink.

Immediately after the revolver discharged, Officer A opened and emptied its cylinder. He then placed the revolver, along with the remaining live ammunition and expended casings, on a kitchen counter.

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

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

Does not apply.

C. Use of Force

When Officer A took control of the revolver from Investigator A, he noted that the hammer was cocked and the trigger was staged. Officer A attempted to open the cylinder but was unable to. Generally, revolver cylinders cannot be opened when the hammer is in the cocked position.

Officer A turned his head and called out to his partner. As he was turning back around, the revolver discharged. Officer A indicated that his right index finger was along the frame of the revolver when the discharge occurred. The preponderance of the evidence suggests that although Officer A may have been properly holding the revolver at some

point, he depressed the staged trigger that was in single action mode, causing the revolver to discharge.

Additionally, based on Officer A's lack of familiarity with revolvers as well as his limited tenure, it would have been prudent for him to consult with his training officer prior to handling the weapon.

The BOPC was critical that Officer A failed to adhere to the basic firearm safety rules while handling the weapon.

In conclusion, the BOPC found Officer A's use of force to be negligent.