

ABRIDGED SUMMARY OF A NEGLIGENT DISCHARGE OF A FIREARM AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

NEGLIGENT DISCHARGE OF A FIREARM – 108-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Office of Operations	12/14/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	2 years

Reason for Police Contact

While attempting to place a firearm into a gun case, Officer A inadvertently pulled the trigger of the firearm, causing a negligent discharge.

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 (UOFRB) 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 while the referent could in actuality be either male or male.

The following incident was adjudicated by the BOPC on August 19, 2008.

Incident Summary

Officers A and B were inside the men's locker room, which was located inside their assigned division. Both officers were changing into their uniforms in preparation for duty, and Officer A was in the process placing his off duty firearm into a gun case when he accidentally pressed the trigger, causing the weapon to discharge a single round. The round traveled in a southern direction and struck a wall in the locker room. The round did not penetrate the wall and caused minimal damage.

Officer B was reported that his back was toward Officer A when the round was discharged, and that he only heard the gunshot.

After the discharge, Officer A secured his pistol inside his gun case, and both officers checked the locker room and the hallway outside the locker room for anyone who might have been injured by the round. Officer A then notified a supervisor of the 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 while 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. Lethal Use of Force

The BOPC found that Officer A's Lethal Use of Force to be out of policy.

Basis for Findings

In their analysis of this incident, the BOPC identified the following considerations:

Tactics

Does not apply.

Drawing/Exhibiting

Does not apply.

Lethal Use Of Force

The BOPC noted that Officer A was preparing for field duty and changing into his uniform. While Officer A was attempting to secure his off-duty weapon into a gun case, he inadvertently pressed the trigger causing his weapon to discharge a single round in a southerly direction, which struck the wall.

The BOPC found Officer A's lethal use of force to be out of policy.