

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 114-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Wilshire	12/27/05		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	12 years, 4 months

Reason for Police Contact

On duty officer was retrieving his handgun from the police vehicle's trunk area when an unintentional discharge occurred.

<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 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 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 10, 2006.

Incident Summary

Police Officers A and B were booking a prisoner at Metropolitan Jail Section. The officers had placed their service pistols in the trunk of their assigned patrol vehicle for safekeeping during the prisoner booking process.

Upon returning to his police vehicle, Officer A went to the trunk of the police car. As Officer A went to retrieve his pistol, he noted that Officer B's service pistol was placed somewhat on top of his service pistol.

When Officer A moved Officer B's service pistol, it discharged a round. The round exited the trunk of the black and white, entered and exited the right rear tire of the black and white and a portion of that round came to rest in the Jail parking lot.

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

The BOPC found Officers A and B's tactics did not apply.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B's drawing/exhibiting/holstering did not apply.

C. Unintentional Discharge

The BOPC found that the unintentional discharge by Officer A to be negligent.

Basis for Findings

A. Unintentional Discharge

The BOPC noted that the unintentional discharge was due to operator error. As Officer A picked up the pistol, a negligent discharge occurred. The BOPC noted also that although Officer A did not recall placing his finger on the trigger the pistol, the weapon inadvertently fired one round into the trunk area of the police vehicle. The BOPC was concerned that Officer A failed to follow accepted firearms safety rules and apparently placed his finger on the trigger causing a negligent discharge. The BOPC noted that the Department directed Officer A to additional firearms training as a result of this incident.

The BOPC found that Officer A failed to adhere to the basic firearm safety rules while handling his service pistol. Accordingly, the BOPC found Officer A's unintentional discharge to be negligent, requiring administrative disapproval.