

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 115-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Newton	12/28/05		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	9 years, 4 months

Reason for Police Contact

Officer was on duty, cleaning his back up pistol in the station parking lot.

<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. 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

On December 28, 2005, Officer A was at the police station parking lot conducting an inspection of his assigned black and white police vehicle. After the vehicle inspection was completed, Officer A retrieved his backup weapon from his back pocket to clean the pistol. Officer A opened the pistol cylinder and believed he unloaded all 5 rounds. Officer A closed the cylinder after he finished cleaning the pistol, and assumed a right-handed firing position. Officer A pointed the pistol at the ground and pulled the trigger, and discharged a round into the parking lot from the pistol, which was still loaded.

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 Officer A's unintentional discharge to be negligent, warranting administrative disapproval.

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

The BOPC noted that the unintentional discharge was due to operator error and that Officer A failed to adhere to the basic firearm safety rules while handling his backup weapon. Officer A did not utilize the Loading/Unloading Barrel and failed to visually inspect the weapon prior to closing the cylinder and pressing the trigger. The BOPC was also concerned that Officer A elected to clean his weapon in the parking lot, near the rear of his police vehicle. 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.