

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 032-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On ( ) Off (X )</b>	<b>Uniform-Yes ( ) No (X )</b>
Outside City	6/1/16		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	8 years, 10 months

**Reason for Police Contact**

Officer A was at home carrying his pistol and a bottle of water upstairs. The bottle of water started to slip out of his hand. As Officer A grasped the bottle, he inadvertently pressed the trigger on his pistol and shot himself in the foot.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Not applicable.

**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. In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 May 16, 2017.

**Incident Summary**

Officer A was off-duty and at home in the evening with his wife when they decided to retire upstairs to bed. Before he walked up the stairs, he removed his pistol from its holster. The pistol was located with his staged gear and shotgun at the bottom of the

stairs. His intent was to also retrieve the shotgun and take it upstairs with him, as he didn't want to leave the firearms unattended downstairs. His wife walked behind him. As Officer A approached the stairs, he had his pistol in his right hand and a water bottle in his left. He was about to take the first step up the stairs. Before he could rearrange what he had in his hands to grab the shotgun, he lost his grip on the water bottle. Before he dropped it, he was able to regrip the bottle with his left hand. Simultaneously, as he prevented the water bottle from falling to the floor, Officer A inadvertently pressed the trigger of his pistol, causing it to discharge toward the tile floor. One round struck the top of his right foot, penetrating the soft tissue and continuing to impact the tile floor. Officer A fell to the ground and told his wife to dial 911. Officer A's wife called the 911 Operator and requested assistance.

The local Fire Department responded to Officer A's residence where he was treated and transported to the hospital. The local Police Department also responded to the scene and conducted an investigation in liaison with the LAPD's Force Investigation Division.

### **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 and Exhibiting of a firearm 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 made the following findings.

#### **A. Tactics**

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting – Does Not Apply.**

#### **C. Unintentional Discharge**

The BOPC found Officer A's unintentional discharge to be negligent.

### **Basis for Findings**

#### **A. Tactics**

- Officer A's tactics were not a factor in this incident. Therefore, they were not reviewed or evaluated. However, Department guidelines require that personnel who are substantially involved in a Categorical Use of Force incident attend a Tactical Debrief. Therefore, the BOPC determined that it would be appropriate to recommend a Tactics finding.

**B. Drawing/Exhibiting – Does Not Apply**

**C. Unintentional Discharge**

- **Officer A** – (pistol, one round)

According to Officer A, he was holding a large water bottle in his left hand and as he was about to take his first step up the stairs, the water bottle slipped from his hand. As he attempted to reacquire his grip to keep his water bottle from falling, he squeezed his right hand and pulled the trigger on his service pistol, resulting in an unintentional discharge of his weapon.

Accordingly, the BOPC found Officer A's unintentional discharge to be negligent.