



## **Incident Summary**

On the evening of Friday, April 22, 2022, Officer A was off-duty at his/her residence, located outside of the city limits.

According to Officer A, that evening he/she left his/her apartment to meet with his/her training officer, Officer B, to discuss their days off for the following deployment period. Officer A put his/her back-up pistol along with the pocket holster into his/her left-front pants pocket prior to leaving his/her apartment.

Officer A went to the station and completed the days-off discussion and returned home between approximately 2330 to 2345 hours. He/she went to use the bathroom and undress to shower. He/she attempted to remove his/her pistol and holster from his/her left-front pocket; however, the holster remained in the pocket. Officer A described the holster as having a rubber texture. Officer A transitioned his/her pistol from his/her left hand to his/her right hand as he/she attempted to remove the holster from his/her pocket. He/she held the pistol in his/her right hand, pointed forward in a north direction toward the bathroom wall, and a Non-Tactical, Unintentional Discharge (NTUD) occurred. The bullet traveled through the north wall into the neighboring apartment.

When interviewed, Officer A told FID investigators that he/she is right-handed. According to Officer A, he/she carried the pistol in his/her left-front pocket because that was how he/she carried it as a back-up weapon when on-duty, and because the holster he/she was using was "made for the left side."

Officer A stated that after the NTUD, he/she placed the pistol on the kitchen table and walked outside his/her apartment to his/her neighbor's front door. The neighbors were apparently not home at the time, as no one answered his/her knocks.

Officer A was asked about what he/she believed happened to the bullet. He/she stated, "I was thinking the wall may have hopefully like, stopped it." Officer A was aware the wall was shared with his/her neighbor, and they could discover the impact to their wall.

When he/she returned to his/her apartment, Officer A unloaded his/her pistol. He/she placed the empty pistol in a lock box and the magazine in a cologne box, both which he/she kept in his/her closet.

According to Officer A, this is the usual way he/she stores his/her weapons while in his/her apartment.

Officer A did not replace the discharged bullet in the magazine after the NTUD, nor did he/she top off the magazine prior to the NTUD.

The following morning when he/she went to shower, Officer A observed the discharged cartridge casing in the bathtub, so he/she put the cartridge in the trashcan.

According to Officer A, he/she left his/her apartment for the day, taking the same pistol with him, which he/she loaded when he/she left his/her apartment. During the time he/she was away, he/she had no contact with the apartment manager or any Department personnel.

According to Officer A's neighbor, Witness A, she and her children left their apartment Friday April 22 at 1200 hours. They returned the following day at 2140 hours. When she entered her bathroom, she observed a lot of dust on the floor and sink, as well as a hole in the wall above the sink. Believing the management was doing repairs and had entered her apartment, she contacted the apartment manager.

The manager went to the apartment and observed the damage to the bathroom wall and door.

While waiting for Officer A, the manager and Witness A observed the expended bullet on the bathroom floor. Witness A then called 9-1-1.

According to Officer A, he/she told the manager he/she was involved in an accidental shooting. Witness A advised Officer A they were not home at the time of the incident.

According to Officer A, he/she was home alone at the time of the NTUD and had not been drinking any alcohol or involved in any disputes.

Officer A contacted Officer B, who was on a regular day off. Officer B advised Officer A that he/she was going to call the watch commander, and Officer A also needed to contact the watch commander to report the NTUD. Officer B immediately called the watch commander, Lieutenant A. He/she advised Lieutenant A of what Officer A had stated and that Officer A would be calling as well to make his/her notification.

According to Lieutenant A, after the conversation with Officer B, he/she notified Captain A and confirmed Officer A's address & telephone number on file.

Lieutenant A provided the information to Captain A and advised Sergeant A to respond to Officer A's residence. Lieutenant A was contacted by the local Police Department, who advised they received a 9-1-1 call and were at the scene.

According to Sergeant A, when he/she arrived, he/she met with the local Police Department personnel. The local officers provided Sergeant A with a business card and report number.

Sergeant A contacted Officer A at 0210 hours, whom he/she described as being very on edge. At 0215 hours, he/she obtained the Public Safety Statement from Officer A.

Sergeant A monitored Officer A until FID investigators arrived and began an interview with Officer A.

## **Body-Worn Video and Digital In-Car Video Policy Compliance**

Does not apply.

## **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force (CUOF) 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 of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). 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 and Exhibiting**

Does Not Apply.

### **C. Unintentional Discharge**

The BOPC found Officer A's NTUD to be Negligent.

## **Basis for Findings**

### **A. Tactics**

- In this case, Officer A was not engaged in a tactical operation. Therefore, Officer A was not evaluated for tactical de-escalation.

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

- During its review of this incident, the BOPC noted the following tactical consideration:
- Firearms Manipulations – Four Basic Firearms Safety Rules.

### **B. Drawing and Exhibiting**

- Does Not Apply

### **C. Unintentional Discharge**

- **Officer A – (pistol, 1 round)**

The NTUD occurred in Officer A's bathroom. According to Officer A, he/she was holding his/her pistol in his/her right hand while attempting to remove the holster from the pocket of his/her pants with his/her left hand when the NTUD occurred.

The BOPC noted that the Chair of the UOFRB evaluated the circumstances and evidence related to the NTUD. The Chair noted that according to Officer A, the unintentional discharge occurred as he/she was attempting to remove his/her holster from his/her pants pocket. During his/her FID interview, Officer A did not indicate that his/her pistol malfunctioned and referred to the discharge as "negligent." The Chair also noted that FID examined Officer A's pistol and determined it was functional and the trigger pull value was within the manufacturer's established acceptable range. The Chair further noted that according to Officer A, he/she did not intend to discharge a round from his/her pistol. Based on the available evidence, the Chair opined that the unintentional discharge was a result of operator error.

Based on the totality of the circumstances, the BOPC found that the NTUD was the result of operator error. Officer A's actions violated the Department's Basic Firearm Safety Rules. The BOPC found Officer A's Unintentional Discharge to be Negligent.