

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 051-22**

<b>Division</b>	<b>Date</b>	<b>Duty-On ( ) Off (X)</b>	<b>Uniform-Yes ( ) No (X)</b>
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Van Nuys	9/28/22		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Detective A	13 years, 8 months
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**Reason for Police Contact**

On September 28, 2022, at approximately 0605 hours, Detective A was in the parking structure of Van Nuys police station. Detective A had a gym bag slung over his/her shoulder. Inside the gym bag were two pistols.

Detective A decided to retrieve his/her office keys prior to getting on the elevator. Detective A set his/her gym bag on the concrete walkway, knelt beside it, and opened the side compartment where his/her keys and two pistols were located. Detective A intended to remove the pistols and place them on top of his/her bag to avoid searching for his/her keys alongside the pistols. Detective A used his/her left hand to grab the slide portion of his/her holstered off-duty pistol and remove it from the gym bag. The pistol was pointed away from him/her and in a downward direction.

As Detective A moved the pistol to place it on top of his/her bag, it slipped out of his/her left hand and simultaneously began coming out of the holster. Detective A instinctively used his/her right hand in an attempt to obtain a pistol grip and catch his/her now partially unholstered pistol, causing a non-tactical unintentional discharge (NTUD).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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N/A			
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**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) 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, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC August 29, 2023.

### **Incident Summary**

On September 28, 2022, at approximately 0605 hours, Detective A was on the third floor of the parking structure of Van Nuys police station. Detective A arrived with the intention of exercising prior to his/her shift. Detective A was in athletic attire and had a gym bag slung over his/her shoulder. Inside the gym bag were two pistols.

According to Detective A, he/she decided to retrieve his/her office keys prior to getting on the elevator. Detective A set his/her gym bag on the concrete walkway, knelt beside it, and opened the side compartment where his/her keys and two pistols were located. Detective A intended to remove the pistols and place them on top of his/her bag to avoid searching for his/her keys alongside the pistols. Detective A used his/her left hand to grab the slide portion of his/her holstered off-duty pistol and remove it from the gym bag. The pistol was pointed away from him and in a downward direction.

As Detective A moved the pistol to place it on top of his/her bag, it slipped out of his/her left hand and simultaneously began coming out of the holster. Detective A stated that he/she instinctively used his/her right hand in an attempt to obtain a pistol grip and catch his/her now partially unholstered pistol, causing it to discharge as he/she accidentally depressed the trigger. The pistol and holster then dropped onto his/her gym bag. The pistol slid out completely from the holster and ultimately fell on the concrete walkway next to the bag, pointed toward the elevator. Detective A picked up the pistol, holstered it, and placed it on top of his/her gym bag. Detective A immediately looked over the elevator landing's railing in the direction that the round was fired. Detective A observed Officer A appear from under the covered patio and asked him/her to notify the watch commander of the discharge.

Officer A walked into the Van Nuys Patrol Division Watch Commander's Office and notified the Assistant Watch Commander, Sergeant A. Sergeant A directed Sergeants B and C to respond to Detective A's location.

Approximately five minutes after the discharge, Sergeants B and C met with Detective A in front of the third-floor elevators of the parking structure. Sergeant B obtained a public safety statement (PSS) from Detective A and monitored him/her until later relieved by Detective B.

## **Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance**

Does not apply.

### **Los Angeles Board of Police Commissioners' (BOPC's) Findings**

The BOPC reviews each Categorical Use of Force (CUOF) incident based upon the totality of the circumstances, namely all 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 Detective A's tactics to warrant a Tactical Debrief.

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

Does not apply.

#### **C. Non-Tactical Unintentional Discharge (NTUD)**

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

### **Basis for Findings**

#### **A. Tactics**

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

Detective 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 CUOF incident to attend a Tactical Debrief. Accordingly, consistent with Department policy, the BOPC adopted a finding of Tactical Debrief for Detective A's tactics.

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

- Does not apply

#### **C. Non-Tactical Unintentional Discharge (NTUD)**

- **Detective A** – pistol, one round in a downward, direction.

The NTUD occurred at approximately 0605 hours in front of the third-floor elevators of the parking structure of Van Nuys CPS. Investigators located bullet impacts on Detective A's gym bag, its contents, and the concrete walkway. The fired bullet was not located. Additionally, a discharged cartridge case was discovered in the firing chamber of the pistol during the post-incident examination.

On October 5, 2022, Criminalist A finalized a Laboratory Report documenting the test firing of Detective A's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range.

The BOPC noted that the Chair of the Use of Force Review Board (UOFRB) evaluated the circumstances and evidence related to the NTUD. The Chair noted that according to Detective A, while attempting to regain control of his/her off-duty pistol, he/she inadvertently pressed the trigger, resulting in the NTUD. The Chair also noted that while Detective A's holster may have had certain defects before the NTUD which could have affected the retention capabilities, there was no indication that this incident was a result of a mechanical malfunction of the firearm.

Based on the totality of the circumstances, the BOPC found that the NTUD was the result of operator error, and that Detective A's actions violated the Department's Basic Firearm Safety Rules, requiring a finding of Administrative Disapproval, Negligent Discharge.