

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 005-14

Division **Date** **Duty-On () Off (X) Uniform-Yes () No (X)**

Outside City 1/6/14

Officer(s) Involved in Use of Force **Length of Service**

Officer A 19 years, 4 months

Reason for Police Contact

While off-duty and at home, Officer A was conducting a chamber check of his pistol when an unintentional discharge occurred.

Subject **Deceased () Wounded () Non-Hit ()**

Does not apply.

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 October 14, 2014.

Incident Summary

While off-duty and at his home, Officer A retrieved his .45 caliber semiautomatic duty pistol from his safe. Officer A said that he customarily retrieves his pistol from his safe and conducts a chamber check in preparation for work on the following day.

Officer A entered the adjoining master bathroom, removed the pistol from its holster and proceeded to conduct a chamber check. While holding the pistol in his right hand, Officer A placed his left hand over the slide of the pistol, and the pistol discharged.

Immediately following the non-tactical unintentional discharge, Officer A noticed a bullet hole in the wood blinds covering a window, located on the west side of the bathroom. He also noticed shattered glass inside the bathtub located below the blinds and a discharged cartridge case on the floor.

The investigation revealed that the bullet penetrated the wood blinds covering a window situated on the west side of the residence. The bullet continued through the wood blinds and penetrated the tempered glass window behind, causing the window to shatter and fall into the bathtub located directly below the window. The bullet continued westbound and struck a standing outdoor patio heater, located in the rear yard of the residence. The bullet entered and exited the heater's emitter grid, continued through the heater's dome, and struck the east side of a tree, which was located in the rear yard of the neighbor's residence. The bullet then ricocheted back into the rear yard of Officer A's property, where it landed and was recovered.

The resident at the neighbor's home was contacted to check on the welfare of the occupants. The neighbor advised that he was uninjured and unaware that the incident had occurred.

There were no injuries related to this incident.

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 most cases, 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). In this incident, there was no Drawing/Exhibiting of a firearm, and no Use of Force by the officer involved. 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 will 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 actions to warrant a Tactical Debrief.

B. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent, warranting a finding of Administrative Disapproval.

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 Categorical Use of Force incidents attend a Tactical Debrief. Officer A was directed to attend a Tactical Debrief that included discussions with designated topics, relevant to this incident.

In conclusion, the BOPC found Officer A's actions to warrant a Tactical Debrief.

B. Unintentional Discharge

- In this instance, while attempting to conduct a safety check of his duty weapon, Officer A failed to appropriately conduct a chamber check to verify the condition of the pistol prior to pressing the trigger. Officer A's actions caused the unintentional discharge (UD) of the firearm.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that his actions were negligent in nature, warranting Administrative Disapproval.