

**ABRIDGED SUMMARY OF A NON-TACTICAL UNINTENTIONAL DISCHARGE OF A
FIREARM AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE
COMMISSIONERS**

NON-TACTICAL UNINTENTIONAL DISCHARGE – 025-08

<u>Division</u>	<u>Date</u>	<u>Duty-On()</u>	<u>Off(X)</u>	<u>Uniform-Yes()</u>	<u>No(X)</u>
Outside City	03/05/08				

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	9 years

Reason for Police Contact

Officer was off-duty and preparing to clean his weapon.

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 (UOFRB) 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used for ease of reference in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 27, 2009.

Incident Summary

Officer A was off-duty at his residence and was preparing to clean his revolver. Officer A emptied the rounds from the weapon into his hand and closed the revolver's cylinder without visually ensuring that the all ammunition had been removed from the weapon. Officer A then dry-fired his weapon and pulled the revolver's trigger. This action caused a round in the weapon to discharge.

Following the discharge, Officer A opened the revolver's cylinder and ejected the expended casing. Officer A then checked for damage and observed a hole in his wall.

Officer A checked on the welfare of his neighbor's apartment, which turned out to be unoccupied at the time of the unintentional discharge. Officer A notified a Department supervisor and the local law enforcement agency of the unintentional discharge.

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 while 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

Does not apply.

C. Unintentional Discharge

The BOPC found the unintentional discharge by Officer A to be negligent, warranting administrative disapproval.

Basis for Findings

In their analysis of this incident, the BOPC identified the following considerations:

1. Officer A did not visually inspect the revolver to ensure it was empty of ammunition before he pulled the weapon's trigger.

Officer A should have visually inspected the cylinder, thereby ensuring the weapon was rendered safe.