

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 040-14

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

Outside City 7/21/14

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

Officer A 18 years, 4 months

Reason for Police Contact

Officer A was in a sandwich shop and had his pistol tucked in his waistband without a holster. The pistol slipped down his pants and Officer A attempted to grab it, causing it to discharge.

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

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 June 16, 2015.

Incident Summary

Officer A was off-duty and on his way to a fast-food restaurant. After parking, Officer A removed his duty pistol from its holster and placed the weapon in the front waistband of his cargo shorts. He then covered the weapon with his shirt, secured the empty holster in his vehicle and entered the restaurant.

Note: Officer A stated that he removed his pistol from the holster and placed it in his waistband because the holster was bulky and it was easier to conceal the weapon under his shirt.

Once inside the restaurant, as his food was being prepared, Officer A and felt his weapon begin to slip loose from the right side of his front waistband and down his shorts. To prevent the weapon from falling to the ground, Officer A immediately crouched down and grabbed the weapon in his waistband from outside of his shorts and forced it against his body. The weapon discharged, firing one round and ejecting a casing onto the floor. The round caused injury to Officer A.

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 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. Unintentional Discharge

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC considered the following.

Officer A was off-duty at the time of the Unintentional Discharge; therefore there were no identified tactical issues. However, Department guidelines require that personnel who are substantially involved in a categorical use of force incident attend a Tactical Debrief and cover the six mandatory topics and firearms safety. To that end, the BOPC found Officer A's tactics to warrant a tactical debrief.

B. Unintentional Discharge

- Officer A felt his service pistol begin to slip loose from the right side front of his waistband and down his shorts. Officer A crouched down and grabbed the off-duty service pistol from outside of his shorts and forced it against his body to prevent it from falling to the floor. Officer A inadvertently pressed the trigger of his service pistol, discharging a round.

The BOPC determined that the UD was the result of operator error when Officer A pressed the trigger as he attempted to prevent his service pistol from falling to the floor.

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