

Incident Summary

Officer A was off-duty. He carried his Department-issued semi-automatic pistol in a black holster with a rear strap, in the inside right portion of his waistband. He arrived at his residence, accompanied by Witness A.

After entering the residence, Officer A walked directly to a hallway table located against the wall of the living room, where a picture frame hung on the wall directly above the table. Officer A decided to conduct dry-fire practice with his service pistol and stood facing in front of the table, approximately two feet away from the wall. With his right hand, Officer A unholstered his pistol and with his left hand, removed the magazine and placed it on top of the table. He leaned to his right and noticed that Witness A was inside the northeast bedroom and not in the direction he would be aiming his pistol. Officer A then stood in front of the wall holding his pistol with two hands in an isosceles shooting position. He raised both hands at eye level, acquired a sight picture, placed his finger on the trigger, and pulled it. The pistol fired a round and cycled the slide portion of his weapon, ejecting the expended cartridge casing onto the living room floor. The bullet struck the picture frame and north living room wall. Officer A immediately realized he had not cleared the pistol's chamber before he placed his finger on the trigger. He locked the slide into the out of battery position, recovered the magazine from the table and moved both items into his safe, securing the weapon.

Officer A walked into the northeast bedroom and ensured Witness A was unharmed. He then started to look to see where the bullet had travelled. Officer A entered the northwest bedroom, which was unoccupied at the time of the discharge, and looked at the bedroom closet door where the round would have travelled through. Officer A did not see a bullet hole and slid the closet door open. He moved the hanging clothes and observed a bullet hole in the closet wall. Officer A then looked for the projectile. He moved a vacuum cleaner, located below the clothes, and observed a projectile lying on the floor in the closet area. Officer A walked back to the living room to look for the expended cartridge casing. He found the casing. He recovered both the fired bullet and the expended cartridge casing, and placed them on top of the living room table.

Besides Witness A, two other civilian witnesses were located and interviewed in regards to this case. Witness A indicated that after returning home, she observed Officer A removing some personal items and placing them on the living room table. Witness A walked into her bedroom to change clothes, when she heard a loud noise that sounded like glass shattering. She looked into the living room area and observed Officer A holding his hand to his ear and motioning as if he could not hear. Witness A asked Officer A what the noise was, but when he started looking around the closet area, he informed Witness A that he accidentally had discharged his firearm. Witness A assisted Officer A in searching the closet and living room area and was present when he recovered the fired bullet and expended cartridge casing.

Witness B was inside a nearby residence. Witness B did not hear anything else before or after hearing the gunshot and did not look out the window to investigate further. Witness C was inside a different nearby residence when he heard a loud noise which he believed to be a vehicle's exhaust back firing. The noise appeared to originate from the

north and he did not look outside. Witness C did not hear any loud voices or arguments before or after hearing the loud noise.

Officer A telephonically notified Watch Commander Sergeant A of the incident. Sergeant A responded to Officer A's residence and monitored him until relieved by FID investigators.

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 weapon 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 unanimously made the following findings.

A. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to warrant a finding of Administrative Disapproval – Negligent Discharge.

Basis for Findings

A. Tactics

- Although this incident involved off-duty personnel and there were no identified tactical concerns, Department guidelines require that officers who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief. To that end, the BOPC has determined that it would be appropriate for Officer A to attend a tactical debrief.

B. Drawing/Exhibiting

- Does not apply.

C. Unintentional Discharge

- In this instance, while attempting to conduct dry-fire practice with his service pistol, Officer A failed to properly unload his handgun and conduct the required 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 has determined that the discharge resulted from operator error.

The BOPC found Officer A's unintentional discharge to be negligent.