

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

**OFFICER-INVOLVED SHOOTING – ACCIDENTAL SHOOTING 072-05**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On( ) Off(x)</u></b>	<b><u>Uniform-Yes( ) No(x)</u></b>
Training	08/21/2005		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	1 year, 6 months

**Reason for Police Contact**

Officer A was off-duty at his residence and was handling his weapon.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
N/A			

**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 suspect 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.

Because state law prohibits divulging the identity of police officers in public reports, 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 August 1, 2006.

**Incident Summary**

Officer A was off-duty and inside his residence. Officer A was seated alone in the living room of the residence cleaning and putting tactical lights on his personally owned handguns. Officer A indicated that he had completed cleaning his .40 caliber Springfield Arms semi-automatic pistol and during this process he had inadvertently seated a partially loaded magazine and released the pistol slide that chambered a round. Officer A mistakenly believed the weapon was not loaded, so he pulled the trigger and caused the weapon to discharge.

Officer A received a through and through bullet wound to his left hand just below the little finger. The bullet traveled through Officer A's hand, then through the back of a couch, and the living room wall adjacent to the couch, entering the garage and striking the metal back of a clothes dryer before falling to the garage floor.

Officer A was treated and released from the hospital the day of the shooting.

### **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 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 that tactics did not apply to this incident.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found that drawing/exhibiting/holstering did not apply to this incident.

#### **C. Use of Force**

The BOPC found that Officer A's use of force was negligent, requiring Administrative Disapproval.

### **Basis for Findings**

#### **A. Tactics**

The BOPC found that tactics did not apply to this incident.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found that drawing/exhibiting/holstering did not apply to this incident.

### **C. Use of Force**

The BOPC noted that Officer A had completed cleaning one of his pistols, and he seated a magazine loaded with nine (9) live rounds into the pistol magazine well with his left hand. The BOPC further noted that Officer A was holding the pistol in his right hand with the slide of the pistol locked to the rear. Officer A then pointed the pistol and released the slide causing a round to be chambered in the pistol. The BOPC considered that Officer A, then believing the gun to be unloaded, pulled the trigger, accidentally discharging a round. The BOPC also noted that the discharged round struck Officer A in the left hand just below his little finger and continued through a couch and a wall before coming to rest on the garage floor near a clothes dryer.

The BOPC found that Officer A's use of force was negligent, requiring administrative disapproval.