

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 077-14

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

Harbor 12/25/14

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

Officer A 7 years, 9 month

Reason for Police Contact

An officer was performing a chamber check on his Department-issued handgun at a police station 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 November 10, 2015.

Incident Summary

Following roll call, Officers A and B proceeded to the first floor of the police station parking structure to locate their assigned police vehicle.

Officer A unholstered his pistol and pointed it toward the ground with his right index finger along the frame. While his pistol remained pointed downward, Officer A used his support hand and retracted the pistol's slide approximately one-half inch. Officer A looked inside the chamber and observed a round. Officer A used his support hand and pushed the pistol's slide forward into the battery, thus completing the chamber check. After completing the chamber check, Officer A attempted to holster his pistol when a round discharged causing him to drop his pistol on the ground.

Officer A picked up his pistol and holstered it without manipulating it any further. Officer A did not remember the exact location of his pistol or his trigger finger when his pistol discharged.

Officer B heard a loud bang and immediately looked up and observed Officer A jump backward. Officer B walked toward Officer A and asked him if he was okay. Officer B noticed a tear on Officer A's uniform pants but did not observe any injuries and assumed Officer A had experienced an unintentional discharge of a firearm.

Officer A felt pain to his right leg and walked inside the police station through the rear door and met Lieutenant A in the hallway. Lieutenant A noticed a hole in Officer A's right pant leg and subsequently determined Officer A had suffered a gunshot injury to his right leg.

Lieutenant A telephonically notified the Los Angeles Fire Department (LAFD) directly and requested an RA to respond to their location to treat 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 officer's 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.

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 personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief. Therefore it was determined that it would be appropriate to recommend a Tactics finding.

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

B. Unintentional Discharge

- A conducted a chamber check of his service pistol. After completing the chamber check, Officer A was attempting to holster his service pistol when he experienced an UD. Officer A did not remember the exact location of his pistol or his trigger finger when his pistol discharged.

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