

Incident Summary

Officer A, who was on duty, attended a holiday luncheon. During the luncheon, Officer A excused himself from the table to use the men's restroom. Officer A entered the toilet stall and locked the stall door behind him. He removed his jacket, hung it up, and he unbuckled his pants belt. Due to the weight of his holstered service pistol, which was attached to the right hip area of his belt, Officer A grabbed onto his pistol grip with his right hand to prevent it from falling onto the floor. He lost grip of his pistol causing the belt end without the buckle to pull through some of the belt loops of his pants.

In an attempt to prevent his holstered pistol from falling onto the bathroom floor, Officer A again grabbed the pistol grip with his right hand. Due to the downward momentum of his holstered pistol and the upward momentum of his hand, he unintentionally withdrew his pistol from its holster. In addition, he simultaneously placed his right index finger onto the pistol trigger and the opposing movements generated enough force causing the pistol to discharge. The pistol discharged a single round in a westerly and downward direction approximately five inches away from him. The round struck the bathroom tile floor of the center toilet stall and the expended cartridge fell into the toilet.

After the round discharged, Officer A holstered his pistol. He checked the immediate area and discovered that the bullet and jacket fragment had lodged into the tile floor. He exited the toilet stall, searched the restroom to determine if anyone was present, and discovered that nobody else was present. Approximately two minutes after the unintentional discharge, Officer B entered the restroom. Officer A directed Officer B to notify Detective A that an unintentional discharge occurred.

Approximately five minutes later, Detective A responded to the restroom, and he obtained a Public Safety Statement from Officer A. He also ordered Officer A not to discuss the incident until the arrival of 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 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 lethal use of force to warrant administrative disapproval.

Basis for Findings

A. Tactics

- Officer A's tactics were not a factor and therefore not reviewed or evaluated during this incident. However, the BOPC directed that Officer A attend a Tactical Debrief which shall include a discussion of the mandatory debriefing topics.

B. Unintentional Discharge

- **Officer A** (pistol, one round)

In this instance, Officer A had his service pistol inserted in an open top paddle holster attached to his right hip area. While in the restroom, Officer A unbuckled his belt, and obtained a grip on his service pistol's grip with his right hand to prevent it from falling onto the floor.

Officer A lost his grip on his service pistol. The weight of the service pistol caused the belt to pull through several belt loops. As a result, the holstered service pistol began to fall.

In an attempt to prevent his holstered pistol from falling onto the bathroom floor, Officer A reached for his pistol and unintentionally removed it from its holster. At the same time, Officer A's finger inadvertently pressed the trigger resulting in a UD.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and found that his actions were negligent in nature, warranting a finding of administrative disapproval.