

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 013-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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West Traffic Division (WTD)	4/28/22		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	27 years, 11 months
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Reason for Police Contact

Officer A was examining and manipulating Officer B's personally-owned pistol when a non-tactical unintentional discharge (NTUD) occurred.

Suspect(s)	Deceased ()	Wounded ()	Non-Hit ()
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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 (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on February 28, 2023.

Incident Summary

On Wednesday, April 27, 2022, Officers A and B talked about Officer B's recently attending the Department's Handgun Mounted Optics (Red Dot) School. Officer A expressed interest in also attending this school. The officers further discussed the types of firearms each officer owned as well as optics approved by the Department. Officer B offered to bring from home a pistol equipped with a Modular Optic System (MOS) for Officer A to examine.

On Thursday, April 28, 2022, at 0623 hours, after attending roll call, Officer A entered the detective room and approached Officer B's desk. Officer A asked Officer B if he/she brought in the MOS-equipped pistol. Officer B responded that he/she had and removed a hard plastic pistol case from his/her backpack and handed it to Officer A.

Note: According to Officer B, his/her pistol had a loaded magazine in the magazine well, but the pistol's chamber was empty of a round. He/she reported that this is how he/she always "keeps" his/her pistols.

Upon receiving the pistol case, Officer A walked over to a nearby unoccupied desk located approximately six feet east of Officer B's desk. Officer A opened the case and observed the pistol and two magazines inside. He/she removed the pistol from the case and, while facing the south wall of the detective squad room, held it in a two-handed "low ready" position, pointed down at the floor. Officer A then conducted a chamber check and visually inspected the chamber. According to Officer A, he/she did not observe a round in the chamber. Officer A again held the pistol with two hands while pointing it toward the floor and conducted what he/she described as a "trigger press test" and pressed the trigger. The pistol did not fire.

After he/she conducted the initial "trigger press test," Officer A stated that he/she reset the trigger by pulling the slide back approximately halfway. He/she was unsure if he/she kept his/her finger on the trigger to feel the reset. Officer A then believed he/she conducted a second chamber check and did not observe a round in the chamber. Officer A conducted a second "trigger press test" and pressed the trigger, discharging a round.

Officer A indicated that while handling the pistol, he/she did not realize that there was a loaded magazine in the well.

After the discharge, Officer A unloaded the pistol; he/she removed the magazine from the well and the round from the chamber. Officer A then placed both items on top of the desk in front of him.

Body-Worn Video and Digital In-Car Video Policy Compliance

Not applicable

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

BOPC found Officer A's actions to warrant a finding of Tactical Debrief.

B. Unintentional Discharge

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

Basis for Findings

A. Tactics

Tactical De-Escalation

During the review of this incident, no Debriefing Points were noted.

Additional Tactical Debrief Topics

- **Dry Practice** – Officer A was conducting a trigger press test when the NTUD occurred.
- **Preservation of Evidence** – After the NTUD, Officer A unloaded the pistol, removing the magazine from the well and the round from the chamber. He/she then placed both items on top of the desk in front of him.

Tactical Debrief

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvements could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

B. Unintentional Discharge

Officer A – Officer B's personally-owned pistol, one round in a downward, southerly direction.

While examining Officer B's personally-owned pistol, Officer A manipulated the slide and pressed the trigger, resulting in the NTUD. According to Officer A, he/she did not realize there was a loaded magazine in the well during his/her examination of the pistol. Officer A believed that he/she accidentally loaded a round into the chamber when he/she pulled the slide back to reset the trigger.

The BOPC noted that the Chair of the Use of Force Review Board (UOFRB) evaluated the circumstances and evidence related to the NTUD. The Chair noted that, according to Officer A, before pressing the trigger, he/she conducted a chamber check; however, he/she did not verify if there was a loaded magazine in the well before retracting the

slide, twice. While the Chair agreed with Office A's belief that he/she unintentionally loaded a round into the chamber while resetting the trigger, he/she opined that Officer A failed to conduct a proper chamber check. The Chair also noted that Forensic Science Division examined Officer B's pistol and determined that the customizations did not affect the functionality/safety systems of the firearm and the trigger pull value was within the Department's established range.

Based on the totality of the circumstances, the BOPC determined that the NTUD was the result of operator error and that Officer A's actions violated the Department's Basic Firearm Safety Rules. The BOPC found Officer A's unintentional discharge to be Negligent.