

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 016-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Northeast	5/1/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	13 years, 5 months
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Brief Summary

Officer A was on duty at a training assignment at the Los Angeles Police Department (LAPD) Elysian Park Police Academy. While on a lunch break, Officer A picked up a pistol belonging to Sergeant A and pulled the trigger, resulting in a Non-Tactical Unintentional Discharge (NTUD).

Subject(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 (Chief); 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 March 5, 2023.

Incident Summary

On Monday, May 1, 2023, at approximately 1137 hours, Sergeant A and Police Officer A were at the LAPD Elysian Park Police Academy. Sergeant A and Officer A were in full uniform wearing their duty Sam Browne belts.

Sergeant A and Officer A were eating lunch at their desks inside their office. After finishing his/her lunch, Sergeant A needed to use the restroom, so he/she removed his/her pistol from his/her Sam Browne belt and intended to secure it in his/her locked metal cabinet. Sergeant A removed the magazine and placed the pistol on the desk while examining the magazine.

Officer A indicated that he/she was unsure if Sergeant A had turned his/her attention on something else when Sergeant A stood up; so without asking for permission, Officer A picked up the pistol.

Officer A was facing in a northwest direction holding the pistol with the muzzle pointing in an upward angle to the west. According to Officer A, he/she had placed his/her finger on the trigger admiring the pistol; then he/she apparently applied enough pressure and the pistol unintentional discharged into the tree line.

Officer A made sure that the pistol was pointing in a safe direction, locked the slide to the rear, and visually & physically inspected it to ensure that it was one hundred percent clear at that time. Officer A then placed the pistol down on the table next to the magazine that had previously been removed from it. Sergeant A then notified Lieutenant A.

After verifying that Officer A was not injured, Sergeant A looked out the window and verified the trajectory of the discharged bullet. Based on the location of the impact on the window, Sergeant A believed that the bullet traveled in an upward trajectory into the tree line. Sergeant A called Lieutenant A on the telephone and summoned him/her to the office. Sergeant A stated that he/she made the call within two to three minutes after the NTUD.

Lieutenant A said that he/she was in his/her office when he/she received a telephone call from Sergeant A, asking him/her to walk over to the office, where he/she was provided the details of the NTUD.

Sergeant A met with Sergeant B, who obtained a Public Safety Statement (PSS) and monitored Sergeant A until relieved by FID detectives.

Sergeant C responded to the location and met with Lieutenant A. Sergeant C met with Officer A and obtained the PSS. Sergeant C remained in the office and monitored Officer A until relieved by FID detectives.

Lieutenant A assumed control of the scene and notified his/her commanding officer, Captain A, about the NTUD. According to the Department Operations Center (DOC) Incident Notification Log, at 1155 hours, Captain A notified the DOC of the NTUD.

FID detectives reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to their interviews.

Body-Worn Video Policy Compliance

Does not apply.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each 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 incident, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

Does Not Apply.

C. Non-Tactical Unintentional Discharge (NTUD)

The BOPC found Officer A's NTUD to warrant a finding of Administrative Disapproval, Negligent Discharge.

Basis for Findings

A. Tactics

In this case, Officer A was not engaged in a tactical operation. Therefore, Officer A was not evaluated for tactical de-escalation. Officer A's tactics were not reviewed or evaluated as they were not a factor in this incident. However, as Department guidelines require personnel who are substantially involved in a CUOF incident to attend a Tactical Debrief, the BOPC determined that it would be appropriate to make a Tactics finding of Tactical Debrief.

During its review of this incident, the BOPC noted the following tactical considerations:

- **Firearms Manipulations** – Four Basic Firearms Safety Rules.
- **Dry Practice** – Officer A was conducting a dry practice manipulation when the NTUD occurred. Per the Department’s Basic Firearms Manual, all ammunition is to be removed before conducting dry practice. While the BOPC would have preferred that Officer A had not handled his/her pistol while at work, especially inside the office, it is important that officers remember to unload firearms before conducting dry practice, verify the condition of the firearm, and that they practice safely. To enhance future performance, the BOPC directed this to be a topic of discussion during the tactical debrief.
- **Loading and Unloading** – Sergeant A initiated the process of unloading his/her pistol without the use of a Department loading/unloading barrel. It is important that officers ensure the complete unloading of their firearms before conducting dry practice and that they use a Departmental loading/unloading barrel, if available. To enhance future performance, the BOPC directed this to be a topic of discussion during the tactical debrief.
- **Maintaining Control of Equipment** – Sergeant A placed his/her pistol on top of his/her desk and remained next to the desk as he/she conducted a magazine inspection. Sergeant A was unaware that Officer A approached the desk and picked up the pistol. The BOPC would have preferred that Sergeant A had secured the pistol prior to completing the magazine inspection to limit the possibility of others obtaining possession of the pistol without permission. It is important that officers maintain control of their equipment. In order to enhance further performance, the BOPC directed that this topic of discussion during the Tactical Debrief.

Command and Control

- Following the NTUD, Lieutenant A responded to the Office. Lieutenant A secured the scene and assumed the role of Incident Commander. Lieutenant A verified that there were no injuries before separating Sergeant A and Officer A. Lieutenant A directed Sergeants B and C to monitor the involved employees until relieved by FID detectives.

Lieutenant A notified Captain A of the NTUD, and at approximately 1155 hours, Captain A notified the DOC. Then at approximately 1158 hours, Captain A notified FID of the NTUD.

The overall actions of Lieutenant A, and Sergeants B & C were consistent with Department supervisory training.

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.

Although it was determined that Sergeant A would not receive formal findings, the UOFRB Chair and Chief determined, and the BOPC concurred, that he/she would benefit from attending the Tactical Debrief. Therefore, the Chief directed Sergeant A & Officer A to attend a Tactical Debrief and that the specific identified topics be discussed.

General Training Update (GTU)

- On June 27, 2023, Officer A attended a GTU. All mandatory topics were covered, including the Basic Firearm Safety Rules.

B. Drawing and Exhibiting

Does Not Apply

C. Unintentional Discharge

- **Scene Description:** The NTUD occurred in an office located in the main building of the LAPD Elysian Park Police Academy at approximately 1137 hours. The office door was closed and occupied only by Sergeant A and Officer A at the time of the NTUD.
- **Officer A** – one 9mm round in a westerly direction.

According to Officer A, he/she retrieved Sergeant A's pistol from Sergeant A's desk to admire it. Officer A believed that the pistol was unloaded, as he/she had noticed Sergeant A removed the magazine from it; and Officer A visually saw that the magazine well was unloaded. Officer A did not conduct a chamber check to verify the condition of the pistol.

Officer A was facing in a northwest direction holding the pistol with the muzzle pointing in an upward angle to the west when he/she placed his/her finger on the trigger and conducted a dry practice manipulation. Officer A pressed the trigger, causing a round to be discharged, resulting in the NTUD.

On May 15, 2003, the Forensic Science Division, Firearms Analysis Unit finalized a Laboratory Report documenting the test discharging of Sergeant A's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range.

The investigation determined that Officer A discharged a single round, which traveled west in an upward trajectory through the blinds and window. A spent cartridge casing was recovered from the floor of the office, under Officer's A desk.

The investigation attempted to locate a secondary impact or the discharged bullet on the west hillside and tree line. Detectives were unable to locate a secondary impact or discharged bullet.

The UOFRB Chair evaluated the circumstances and evidence related to the NTUD. The Chair noted that Officer A visually observed that the magazine was well clear; however, he/she did not conduct a chamber check to verify the condition of the pistol. The Chair noted that there was no evidence to indicate that the NTUD was a result of a mechanical malfunction. As such, the Chair opined that the NTUD was a result of operator error and that Officer A's actions violated the Department's Basic Firearm Safety Rules.

Based on the totality of the circumstances, the BOPC determined that the NTUD was the result of operator error. Officer A's actions violated the Department's Basic Firearm Safety Rules, requiring a finding of Administrative Disapproval, Negligent Discharge.

Medical Treatment/Rendering Aid

No officers or citizens were injured during this incident.

Requirement to Intercede

Based on a review of this incident, the UOFRB Chair determined that the NTUD would not have required an officer to intercede.

Audio/Video Recordings

- **Body Worn Video** – None.
- **Outside Video** – None.