

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 036-23**

| <b><u>Division</u></b> | <b><u>Date</u></b> | <b><u>Duty-On (X) Off ( )</u></b> | <b><u>Uniform-Yes (X) No ( )</u></b> |
|------------------------|--------------------|-----------------------------------|--------------------------------------|
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|------|---------|--|--|
| CSPB | 8/12/23 |  |  |
|------|---------|--|--|

| <b><u>Officer(s) Involved in Use of Force</u></b> | <b><u>Length of Service</u></b> |
|---|---------------------------------|
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|           |                    |
|-----------|--------------------|
| Officer A | 21 years, 9 months |
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**Reason for Police Contact**

On August 12, 2023, at approximately 1443 hours, Officer A was in the Community Safety Partnership Bureau office at the Hollenbeck Community Station and decided to inspect his/her newly-purchased pistol (a semiautomatic). Officer A replaced his/her duty holster on his/her duty belt with the holster for the new pistol, then loaded the pistol while in the holster by placing a loaded magazine in the pistol.

Officer A then drew the pistol and, with an overhand grip, drew the slide back to load a live round into the chamber. Simultaneously, Officer A placed his/her finger on the trigger and inadvertently pressed the trigger resulting in a Non-Tactical Unintentional Discharge (NTUD).

**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 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 06/25/2024.

## **Incident Summary**

On Saturday, August 12, 2023, at approximately 1400 hours, Officer A was inside the CSPB office, located on the second floor of the Hollenbeck Community Police Station, Room 203. No one else was present in the office at the time of the NTUD. Officer A was working on his/her administrative duties within the station.

According to Officer A, he/she was armed with their primary duty weapon, a Glock Model 21, 45 caliber semiautomatic pistol in its department approved holster. He/she brought their newly purchased Smith and Wesson (S&W) Model M&P, 9millimeter (mm) semiautomatic pistol to the office. Officer A also purchased a Safariland brand triple retention holster for their new pistol and decided to replace his/her duty pistol with the newly acquired pistol.

Officer A wanted to familiarize him/herself with the new pistol. According to Officer A, he/she decided to switch out pistols.

Officer A stood up next to his/her desk, removed the swivel holster, which contained his/her Glock pistol from his/her Sam Browne and removed the Glock magazines from his/her magazine pouch. Officer A then placed his/her new holster on his/her Sam Browne.

Officer A loaded three S&W magazines with department approved ammunition. He/she then placed two magazines inside the magazine pouch, which was still attached to his/her Sam Browne. Officer A secured the Sam Browne to his/her waist. He/she then removed his S&W pistol from its box and inserted the empty pistol inside of his/her holster. Officer A stood and faced the east wall of the office, and he/she inserted one magazine loaded with 17 rounds into the pistol.

Officer A unholstered his/her pistol and pointed the muzzle toward the ground. With his/her pistol in a close contact position, he/she decided to cycle a round into the chamber of his pistol. When asked by investigators why he/she did not consider going to the loading barrel, Officer A stated, "I guess because I was alone, I didn't - - I didn't see - - I didn't foresee that happening, so I just chambered a round."

Officer A then placed his/her left hand over the slide of the pistol, moved the slide to the rear and cycled a live round into the chamber of the pistol. Simultaneously, his/her right index finger moved to the trigger, and he/she inadvertently pressed the trigger. This resulted in a NTUD.

The investigation determined the round travelled 15 feet in an easterly direction and struck a white board affixed to the wall. The round passed through the wall, across the hallway, and penetrated the west side of the hallway wall. The bullet was not recovered.

Immediately following the NTUD, Officer A holstered his/her pistol. He/she observed the round travelled through the wall across the hallway and into the wall of the training unit. Officer A knocked on the door of the training unit to determine if anyone was injured; no one was injured. The investigation determined the office was unoccupied at the time of the NTUD.

Officer A immediately notified the Hollenbeck Watch Commander, Sergeant B, on loan from Rampart Area, that he/she had an NTUD in the CSPB office.

At the direction of Sergeant B, Officer A unholstered his/her pistol and placed it in a secured drawer of the Watch Commander's desk. In describing his/her rationale for securing Officer A's pistol, Sergeant B stated, "...again, I'm a loanee here. I don't know all the officers - - who work here and not aware of their - - their personal lives, mental health - - anything along those lines. So, for the sake of just those - - two issues, I - - recovered his/her firearm". Sergeant B monitored Officer A in the Watch Commander's office and requested the response of an additional supervisor.

Sergeant B responded to the station. At approximately 1448 hours, Sergeant B arrived and took over monitoring duties and obtained a Public Safety Statement from Officer A.

Sergeant A conducted a safety check of the station for injured persons or witnesses. The search confirmed there were no injuries or witnesses. Sergeant B secured the CSPB office and the hallway.

At approximately 1605 hours, the Department Operations Center (DOC) was notified of the NTUD (Addendum No. 1).

Force Investigation Division (FID), Detectives responded to the scene and assumed investigative responsibility.

### **BWV and Digital In-Car Video (DICV) Policy Compliance**

Does not apply.

### **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). 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. Drawing and Exhibiting**

Does not apply.

## **C. Unintentional Discharge**

The BOPC found Officer A's non-tactical unintentional discharge (NTUD) to be negligent, warranting a finding of Administrative Disapproval.

### **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 Categorical Use of Force (CUOF) incident to attend a Tactical Debrief. Accordingly, consistent with Department policy, the BOPC adopted a finding of Tactical Debrief for Officer A's tactics.

#### **B. Drawing and Exhibiting**

Does not apply.

#### **C. Unintentional Discharge**

**Officer A** – Smith & Wesson, Model M&P, 9mm, one round fired in an easterly direction, struck and penetrated the CSPB office wall, traveled across the hallway and struck the Training Unit office wall.

**Scene Description:** The NTUD occurred on the second floor of Hollenbeck CPS, Room 203. The room is located at the northeast side of the structure.

**Officer A** – According to Officer A, while switching his/her primary duty pistol, he/she changed holsters. Officer A was not planning on leaving the station, but he/she was aware that he/she would need to transition to his/her normal duty weapon in the event he/she did leave the station.

He/she removed his/her unloaded S&W pistol from the box and holstered it. While facing the wall, Officer A unholstered the pistol, pointed the muzzle to the ground and inserted a loaded magazine into the pistol. From the close contact position, Officer A used an overhand grip with his/her left hand to move the slide to the rear to cycle a round into the chamber of the pistol. During this time, his/her finger was on the trigger, and he/she inadvertently pressed the trigger causing the NTUD.

Force Investigation Division investigators conducted a post-incident examination of Officer A's pistol. Detectives determined the pistol was loaded, with one live round in the chamber of the pistol and 15 rounds in the seated magazine. All magazines were loaded with department authorized ammunition.

Force Investigation Division recovered the discharged casing from a desk inside the CSPB office. The round was not recovered as it did not pass through the Training Unit office wall and remained in the wall.

The Chair of the UOFRB evaluated the circumstances and the evidence related to the NTUD. The Chair noted that Officer A stated he/she had loaded a round in the chamber while simultaneously placing his index finger on the trigger and inadvertently pressing it, causing the NTUD. The Chair also noted nothing indicated the NTUD was a result of a mechanical malfunction of the service pistol. As such, the Chair opined the NTUD was a result of operator error and Officer A's actions violated the Department's Basic Firearm Safety Rules.

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