

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 057-22**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No (X)</b>
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Newton	12/14/22		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	10 years, 4 months
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**Reason for Police Contact**

Officer A intended to practice “dry firing” a newly-purchased pistol while in the subterranean parking lot of the police station. Officer A forgot that he/she had loaded the new pistol the night before in preparation for attending the shooting range and experienced a Non-Tactical Unintentional Discharge (NTUD).

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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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 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/she, his/her, and him/her) will be used in this report when the referent could either be a male or female officer.

The following incident was adjudicated by the BOPC on October 31, 2023.

## **Incident Summary**

On Wednesday, December 14, 2022, at approximately 1500 hours, Officer A attended roll call at the Newton Area station. During roll call, Officer A was assigned to partner with Officer B. The officers discussed recent crime activities and planned to attend a fundraiser at the Los Angeles Police Academy. Additionally, some of the officers planned to qualify with their duty pistols.

According to Officer A, he/she recently purchased two semi-automatic pistols. Officer A indicated that he/she was going to qualify with one of the pistols.

After qualifying, he/she planned on having the Department armory inspect the pistol and add it to the Firearm Inventory Tracking System (FITS).

After roll call, Officer A obtained his/her equipment from the kit room in preparation for field deployment. He/she walked to the subterranean level of the parking structure. Officer A secured his/her duty equipment in his/her assigned police vehicle. Officer A went to his/her personal vehicle which was also parked in the subterranean parking level and retrieved additional equipment, which included his/her helmet, baton, and the two recently-purchased pistols. Officer A returned to the police vehicle and placed his/her equipment in the trunk.

Officer A removed the recently-purchased pistol from the gun box and obtained a two-handed grip with his/her finger alongside the frame. He/she indicated that he/she positioned himself/herself along the driver's side of the police vehicle, two feet back from the rear bumper with the hatch open. Officer A took a stance simulating as if he/she was at the shooting range. He/she then raised his/her pistol as if going up on target, pointing the muzzle at the wall of the subterranean parking structure. Officer A pressed the trigger and nothing happened.

Officer A indicated that he/she lowered the pistol, holding it at a low-ready position. He/she looked down at the front sight of his/her pistol. Officer A stated that he/she looked down and could see the open gun box with the ammunition magazines which were in the open trunk of the police vehicle. Officer A conducted a second chamber check and verified that there was no round in the chamber.

Officer A indicated that he/she raised the pistol, still facing the subterranean wall, and pressed the trigger, firing a round striking the driver-side mirror.

Officer A indicated that he/she had unknowingly loaded a round into the chamber of the pistol when he/she was "dry" practicing. Officer A stated that he/she did not believe that there was a round in the chamber because the gun felt empty.

According to Officer A, after firing the round, he/she removed the magazine from the pistol and a live round from the chamber. He/she placed the pistol and the magazine in the gun box which was inside the trunk of the police vehicle. Officer A indicated that

he/she loaded the live round he/she removed from the pistol into a magazine that was in the gun box.

Officer A looked around and verified that everyone was safe, and he/she did not see any one around. Officer A then observed Officer B walking down the ramp to the subterranean level of the parking structure.

According to Officer A, Officer B gave no indication that he/she had heard the gunshot or witnessed the incident. Officer A directed Officer B to the spent casing on the ground and instructed him/her to keep the area and the police vehicle secured.

Officer A called Lieutenant A from his/her cellular phone. The call did not go through, so Officer A called a second time. Lieutenant A answered the call. During the phone call, Officer A only told Lieutenant A that he/she needed to speak with him/her immediately and did not advise him/her of the NTUD.

Officer A immediately walked to the office and met with Lieutenant A.

According to Officer A, Lieutenant A instructed him/her to follow him/her to the Watch Commander's office. Officer A and Lieutenant A met with Sergeant A and informed him/her of the NTUD. Sergeant A and Lieutenant A escorted Officer A to the vacant supervisors' office. Sergeant A obtained the Public Safety Statement (PSS) from Officer A.

After providing the PSS, Officer A was monitored by Lieutenant A in the office. Sergeant B arrived and took over from Lieutenant A the monitoring duties of Officer A until Force Investigation Division (FID) investigators arrived and assumed investigative responsibilities. Sergeant A directed Detective A to secure the area of the subterranean parking structure where the NTUD occurred.

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

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	N/A	N/A	N/A	N/A	N/A

### **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**

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

## **B. Non-Tactical Unintentional Discharge**

The BOPC found Officer A's NTUD 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 (CUOF) incident to attend a Tactical Debrief.

#### **Additional Tactical Debrief Topics**

- **“Dry” Practice** – Officer A was conducting “dry” practice manipulations with his/her pistol when the NTUD occurred. Per the Department's Basic Firearms Manual, all ammunition is to be removed before conducting “dry” practice. While it would have been preferred that Officer A had not handled this weapon while at work, especially inside the parking structure of a police facility, it is important that officers remember to unload firearms before conducting “dry” practice manipulations and that they practice safely.
- **Preservation of Evidence** – After the NTUD, Officer A unloaded the pistol, removing the magazine from the well and the live round from the firing chamber. He/she then placed the pistol in the manufacturer's gun box and the live round from the chamber in another magazine that was in the gun box. It would have been preferred that Officer A had not unloaded the pistol after the NTUD.

#### **Command and Control**

- Following the NTUD, Officer A called Lieutenant A and requested to meet. Officer A notified Lieutenant A of the NTUD after meeting with him/her in the office. Lieutenant A walked Officer A to Sergeant A and advised him/her of Officer A's NTUD. Lieutenant A, Sergeant A, and Officer A went into the night watch detective's office where Sergeant A obtained a Public Safety Statement (PSS) from Officer A, admonished him/her not to discuss the incident with anyone, and monitored him while Lieutenant A made notifications. Although Sergeant A initially used an outdated PSS form to obtain Officer A's PSS, he/she later utilized the current form to obtain the PSS.

Sergeant A directed Detective A to secure the NTUD scene.

At approximately 1540 hours, Lieutenant A notified FID of the incident. FID notified the Department Operations Center at 1554 hours. Lieutenant A assumed monitoring responsibilities from Sergeant A until the arrival of FID investigators.

The overall actions of Lieutenant A and Sergeant A were consistent with Department supervisory training and expectations of field supervisors during a critical incident.

## **B. Non-Tactical Unintentional Discharge**

- **Officer A** – (pistol, one round)

**Scene Description:** The NTUD occurred in the subterranean level of the parking structure. Officer A's police vehicle was parked facing south toward a subterranean wall. The subterranean level is lit by artificial lighting.

According to Officer A, he/she retrieved his/her two recently-purchased pistols from his/her personal vehicle and placed them in the rear cargo compartment of a police vehicle. In preparation to qualify with the pistols, Officer A intended to "dry" practice before going to the Los Angeles Police Academy. Officer A removed the pistol from the manufacturer's gun box and obtained a two-handed grip with his/her finger alongside the frame. He/she indicated that he/she positioned himself/herself along the driver's side of the police vehicle, two feet back from the rear bumper with the rear hatch open. Officer A took a stance simulating as if he/she was at the shooting range. He/she then raised his/her pistol as if going up on target, pointing the muzzle at the wall of the subterranean parking structure. Officer A pressed the trigger and nothing happened. After lowering the pistol and conducting another chamber check, Officer A manipulated the pistol by tapping the base of the magazine and racking the slide to the rear, unintentionally chambering a live round into the firing chamber. Officer A raised the pistol, still facing the subterranean wall, and pressed the trigger resulting in a NTUD.

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 while Officer A intended to conduct "dry" practice manipulations with his/her recently-purchased pistol before qualifying with it, he/she unintentionally loaded a live round into the firing chamber before pressing the trigger, which resulted in a NTUD. The Chair also noted that nothing indicated that the NTUD was a result of a mechanical error and that Officer A's actions violated the Department's Basic Firearm Safety Rules.

Based on the totality of the circumstances, 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 NTUD to be Negligent.