

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

UNINTENTIONAL DISCHARGE 011-09

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off(x)</u>	<u>Uniform-Yes(x) No()</u>
Newton	02/25/09		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	6 Years, 4 Months

Reason for Police Contact

Officer A participated in a search related to a narcotics investigation.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Not applicable.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force 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 recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 26, 2010.

Incident Summary

Officer A participated in a search related to a narcotics investigation, and during the search he deployed a semi-automatic shotgun. At the conclusion of the search Officer A returned to his vehicle, which was parked in an alleyway to the rear of a residence. Officer A intended to return the shotgun to a patrol ready condition (i.e., no round in the chamber and safety engaged), but did not check the chamber of the weapon to ensure it was empty. According to Officer A, he engaged the safety and depressed the trigger, but the shotgun, which was pointed downward and toward a wall, discharged.

The expended casing failed to eject from the shotgun, so Officer A removed the expended casing, unloaded the shotgun, and notified his supervisor of the unintentional discharge.

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/Holstering of a weapon 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 unanimously made the following findings.

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

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

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Unintentional Discharge

In this instance, Officer A violated the basic firearm safety rules resulting in an unintentional discharge. Officer A failed to conduct a chamber check to ensure that his shotgun did not contain a live round prior to disengaging the safety mechanism and depressing the trigger, resulting in an unintentional discharge.

The unintentional discharge of Officer A's shotgun unjustifiably and substantially deviated from approved Department training and was negligent in nature. A finding of Administrative Disapproval – Negligent Discharge, is a finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule, which occurred in this incident. Therefore, the BOPC found Officer A's unintentional discharge to warrant a finding of administrative Disapproval – Negligent Discharge.