

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 017-17**

**Division                      Date                      Duty-On (X) Off ( ) Uniform-Yes ( ) No (X)**

Devonshire                      3/17/17

**Officer(s) Involved in Use of Force                      Length of Service**

Detective A                      22 years, 7 months

**Reason for Police Contact**

Los Angeles Police Department (LAPD) personnel were conducting in-service firearms training at a Department training facility. During a firearm shooting exercise, a Non-Tactical Unintentional Discharge (NTUD) with Injury occurred. The detective was transported to Providence Holy Cross Medical Center, where he was treated and released.

**Subject                      Deceased ( ) Wounded ( ) Non-Hit ( )**

N/A

**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 Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 23, 2018.

## **Incident Summary**

Los Angeles Police Department (LAPD) personnel, including Detective A, were attending a firearms training day at a Department training facility. The purpose of the training was to complete a qualification course and conduct a series of shooting drills. The shooters in the training exercise were to unholster their pistols from underneath their garment and engage their respective targets. This was a live-fire exercise.

A safety briefing was conducted where officers went over the firearm safety rules. Firearm instructors and range safety officers briefed the group regarding the shooting drills to be conducted that day.

Officers participated in a shadow phase course, a timed drill during which each individual shooter was required to fire from a holstered position. The goal of this exercise was to record the time it took for the shooter to clear his pistol from a concealed holster position and fire two rounds at the target, for speed and accuracy. Detective A was standing behind the seven-yard line with his pistol holstered under his clothing and facing toward the target. Detective A unholstered his pistol and with the muzzle of the pistol pointing toward the ground, he conducted a chamber check on his pistol and verified that there was a round in the chamber. Detective A then holstered his pistol, placed his shirt over the holster, and placed his hands to his sides to begin the drill.

When the exercise began, according to Detective A, he uncovered his shirt with his left hand, grasped his pistol with his right hand, and with the webbing of his hand pressed down onto the grip safety as he simultaneously disengaged the side button of the holster with his right index finger, which released his pistol from the holster. Once the pistol was released, Detective A raised his pistol in an upward motion as he simultaneously disengaged the ambidextrous thumb safety lever of his pistol with his right thumb. According to Detective A, due to the speed in which he was attempting to clear his holster with the pistol and come up on target, his index finger was still in the movement of pressing on the side safety of the holster, when he inadvertently moved to the trigger well of the pistol and pressed the trigger.

According to Detective A, he had not completely cleared the pistol from the holster and the muzzle was still inside the holster at the time the Non-Tactical Unintentional Discharge occurred. The round struck Detective A's leg and other officers assisted Detective A to the ground where they could provide medical treatment. Detective A's weapon was secured. LAFD was notified and paramedics were requested. Detective A was transported to a nearby hospital.

## **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 most cases, the BOPC makes specific

findings in three areas: Tactics of the involved officer(s); Drawing and Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). In this incident, there was no Drawing and Exhibiting of a firearm, and no Use of Force by the officer involved. 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 will 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 its review of the instant case, the BOPC made the following findings.

#### **A. Tactics**

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

#### **B. Unintentional Discharge**

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

#### **Basis for Findings**

##### **A. Tactics**

###### **Tactical De-Escalation**

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Detective A was conducting a timed enrichment training exercise when he drew his service pistol from a concealed posture, and a non-tactical unintentional discharge occurred. As such, tactical de-escalation was not a factor in this incident.

- In its analysis of this incident, the BOPC identified the following tactical consideration:
  1. Firearms Manipulations – Four Basic Firearms Safety Rules.

Detective 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 incident attend a Tactical Debrief. Therefore, the BOPC determined that it would be appropriate to render a Tactics finding.

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

## **B. Unintentional Discharge**

- **Detective A** – (pistol, one round)

According to Detective A, the drill administrator stood behind him with a timer and asked him if he was ready. Detective A conducted a chamber check to make sure the gun was loaded, said he was ready, and holstered his weapon. When he heard the bell, Detective A disengaged the locking mechanism on his holster with his right index finger and drew his weapon in an upward motion. Detective A then heard the gun go off and felt pain to his leg.

Upon reviewing the evidence, the BOPC determined that the UD was the result of operator error due to Detective A disengaging the thumb safety and then unintentionally pressing the trigger of his service pistol while attempting to draw from a concealed posture. Detective A's actions violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge.