

ABRIDGED SUMMARY OF A UNINTENTIONAL DISCHARGE OF A FIREARM AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

UNINTENTIONAL DISCHARGE – 023-09

<u>Division</u>	<u>Date</u>	<u>Duty-On()</u>	<u>Off(X)</u>	<u>Uniform-Yes()</u>	<u>No(X)</u>
North Hollywood	04/03/09				

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 months

Reason for Police Contact

Officer manipulated his weapon prior to a weapons inspection.

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 (UOFRB) 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 March 2, 2010.

Incident Summary

Officer A was in the locker room of the station when he was informed by his sergeant that there would be a weapons inspection during roll call. Prior to the inspection, Officer A proceeded to the rear parking lot of the police station with the intention to disassemble his pistol and inspect it. Officer A un-holstered his pistol, pointed it at the ground, pulled the slide rearward, and then conducted a chamber check. Officer A observed a live round in the firing chamber and released the slide forward. Officer A's finger touched the trigger, which resulted in a round being discharged into the ground.

Officer A holstered his pistol and determined that no one was injured and that there were no witnesses.

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 while 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

Does not apply.

C. Unintentional Discharge

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

Basis for Findings

In their analysis of this incident, the BOPC identified the following considerations:

A. Tactics

Does not apply.

B. Drawing/Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC was critical that Officer A failed to perform an adequate chamber check of his service pistol prior to practicing with the weapon.

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