

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

UNINTENTIONAL DISCHARGE – 032-13

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

Rampart 4/3/13

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

Officer A 13 years, 10 months

Reason for Police Contact

Officers were at the police station discussing backup weapons when an unintentional discharge occurred.

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

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 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 February 11, 2014.

Incident Summary

Officer A went to a detective's office to discuss an issue with Sergeant A. Once he arrived, he saw Sergeant A, Detectives A and B, as well as Officers C and D. Officer A believed it was a private conversation among the group and he remained by the south end of the center island file cabinet. He then heard the group discussing the characteristics of a particular handgun. At this point, he realized that it was not a private conversation and, since Officer A was interested in purchasing a similar handgun himself, he joined the group conversation.

Officer A saw two pistols on top of the center island file cabinet. Officer A took possession of the pistols and examined each one. Officer A held the pistol and visually inspected it. Officer A said that there was no magazine inserted. After he examined the pistol, he did not remember if he placed it back on top of the counter or passed it on to another member of the group. At this time, Detective B talked about the trigger press of the other pistol. Officer A went on to say that he asked Sergeant A if he could manipulate the gun by pressing the trigger (called a "dry trigger press.")

Sergeant A told Officer A that he could conduct a dry trigger press. Officer A took the pistol from the counter. Officer A did not see anybody else from the group manipulate the pistol and nobody told him that the magazine was now inserted in the pistol or that there may be a round in the chamber. Officer A held the pistol in his right hand, pointed it downward and conducted a chamber check. As Officer A held the pistol in his right hand, he used his left hand to pull the slide back and visually inspected the pistol. Officer A did not see a round in the chamber and guided the slide forward. Officer A did not feel a magazine seated inside the magazine well and did not believe there was a magazine inserted.

At this time, Officer A positioned himself on the side of the center island file cabinet, and faced southbound, with his back toward the group of officers. Officer A held the pistol in his right hand and, believing the weapon was unloaded, completed a trigger press, which caused the pistol to discharge.

The projectile travelled downward and struck the concrete floor of the gang office. The interior wall of the office was struck twice by fragments. One fragment impacted above the south door and one impacted on the south wall. A discharged cartridge casing and three fragments were recovered from the office.

Officer A, realizing that he had unintentionally discharged the pistol, immediately removed the magazine from the pistol as well as the live round from the chamber of the pistol. He placed all three items on top of the center island file cabinet and slid them toward Sergeant A.

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). 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

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

B. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent, warranting Administrative Disapproval.

Basis for Findings

A. Tactics

- Although there were no identified tactical concerns, Department guidelines require that officers who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief. To that end, the BOPC determined that it would be appropriate to recommend a Tactics finding specific to this incident.

In conclusion, the BOPC found Officer A's actions to warrant a Tactical Debrief.

B. Unintentional Discharge

- In this instance, Officer A was involved in a group discussion comparing the two service pistols. Given that he was considering the purchase a similar pistol, and to familiarize himself with the weapon, Officer A asked Sergeant A if he could dry fire his pistol. Once approval was granted, Officer A retrieved the pistol from the center island file cabinet, conducted a chamber check, pointed the service pistol in a downward direction and pressed the trigger. Officer A inadvertently failed to identify the live round in the chamber and remove the loaded magazine from the magazine well prior to pressing the trigger. As a result, a negligent discharge occurred.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that the unintentional discharge of the firearm resulted from operator error and constituted a violation of the firearms safety rule.

In conclusion, the BOPC found Officer A's unintentional discharge to be negligent, warranting Administrative Disapproval.