

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

UNINTENTIONAL DISCHARGE – 065-09

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Devonshire	09/24/09		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	4 months

Reason for Police Contact

Officer was participating in live fire weapons training. The officer left the range and went to the locker room, where he began to disassemble his weapon and had an unintentional discharge.

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, the masculine pronouns (he, his, and him) will be used in this report in situations while the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on May 4, 2010.

Incident Summary

Officer A was participating in live fire weapons training at the department's pistol range. Prior to the class leaving the range, Officer B had the officers in the class remove the magazine from their weapon, but allowed them to retain one round in the chamber. Officer B admonished the officers not to touch their weapons after they left the range.

Officer A went to the locker room and sat on a bench. Officer A began to disassemble his pistol because he had experienced several malfunctions with the weapon while on the range.

Officer A pointed his weapon toward the floor in front of him and pulled the trigger, which is necessary to disassemble the model of pistol used by Officer A. Officer A failed to conduct a chamber check of the weapon prior to pulling the trigger. Once Officer A pulled the trigger, he discharged one round from his weapon. The round struck the floor.

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 his analysis of the incident, the BOPC identified the following consideration:

1. Officer A negligently discharged a round from his service pistol.

In this instance, Officer A neglected to perform a chamber check on his pistol prior to pulling the trigger as a step in the disassembly process. When Officer A pulled the trigger on his pistol, the live round in the chamber discharged in an unintentional manner.