

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 071-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	10/18/12		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	14 years, 2 months
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Reason for Police Contact

The officer checked his pistol for cleanliness, forgetting he had put a loaded magazine in it. He let the slide go forward and pulled the trigger, resulting in a non-tactical unintentional discharge (NTUD).

Subject	Deceased () Wounded () Non-Hit ()
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Does not apply.	
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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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on March 13, 2013.

Incident Summary

Police Officer A unintentionally discharged his firearm, while he stood at the rear of his personal vehicle, with the rear hatch open, while in the parking structure of a police facility.

According to Officer A, he was checking his pistol for cleanliness. He locked the slide of his weapon back, determined the weapon was clean, but forgot he had previously inserted a loaded magazine into the weapon earlier that day. While holding the pistol in an easterly and upward direction, Officer A released the slide (unknowingly causing a live round to feed into the chamber) and pulled the trigger. A single round was discharged and lodged into the interior headliner of Officer A's vehicle.

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 made the following findings.

A. Tactics

The BOPC found Officer A's actions 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

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific.

Each incident must be looked at objectively and any areas of concern must be evaluated based on the totality of the circumstances. In this case, the tactics utilized by Officer A were appropriate and did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, a Tactical Debrief is the appropriate mechanism for Officer A to evaluate the events and actions that took place during this incident with the objective of developing the maximum individual and organizational performance.

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

B. Unintentional Discharge

- **Officer A** – (pistol, one round)

In this instance, Officer A was in the parking structure inspecting his pistol for cleanliness at the rear of his personal vehicle. During the inspection, Officer A locked the slide of his weapon to the rear and verified the weapon was clean and released the slide. Officer A, who had failed to conduct a chamber check, pointed the service pistol into his vehicle and pressed the trigger. As a result, a negligent discharge occurred. Officer A immediately removed the magazine and unloaded the service pistol.

In conclusion the BOPC found that Officer A's unintentional discharge required a finding of Administrative Disapproval – Negligent Discharge.