

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

NON-TACTICAL UNINTENTIONAL DISCHARGE 077-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
N. Hollywood	11/09/12		

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years, 11 months

Reason for Police Contact
N/A

Subject	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 July 23, 2013.

Incident Summary

Officers A and B had just finished roll call and were loading equipment from their private vehicles into their patrol vehicle in the underground parking level at the police station. Officer A was standing near the rear open trunk of the patrol vehicle and Officer B was standing near the open front passenger door of the vehicle.

Officer A placed his patrol rifle case in the trunk of the patrol vehicle. He unzipped the case to verify that the rifle and its components were inside. He observed a red glowing light coming from the electronic holographic sight system indicating that the sight was turned on.

In order to shut off the sight system to conserve the battery, Officer A removed the rifle from the case and held it in an "indoor low ready" position with the muzzle pointed down at the concrete floor of the parking level. He held the pistol grip with his right hand, and his right index finger was along the magazine well. There was no magazine in the weapon, and Officer A believed that there was no round in the chamber.

Note: Officer A did not conduct a safety check when he removed the rifle from the case. His normal practice was to conduct the safety check after he exited the parking level and went above ground.

Officer A rotated the rifle to the right to gain access to two buttons on the left side of the scope that need to be pressed simultaneously to shut off the sight system, at which time, the rifle discharged. The round struck the concrete floor of the parking structure.

Sergeants A and B were in the room above the parking level of the station and heard the report of the rifle discharge and immediately went down the stairs to the parking level to investigate the cause of the noise. Upon arriving on the parking level, they observed Officer A standing near the open rear trunk of his patrol vehicle placing the rifle in the trunk. Officer A spontaneously stated, "I had an accidental discharge."

Sergeant A directed Sergeant B to notify the Watch Commander, Sergeant C. Sergeant A obtained a Public Safety Statement (PSS) from Officer A. The PSS was consistent with the results of this investigation. Sergeant A initiated and supervised the crime scene. She ordered the officers not to discuss the incident until their interviews with Force Investigation Division (FID) detectives.

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 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 tactics to warrant a Tactical Debrief.

B. Unintentional Discharge

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

Basis for Findings

A. Tactics

- Officer A's tactics were not a factor and therefore not reviewed or evaluated during this incident. However, the BOPC directed that Officer A attend a Tactical Debrief which shall include discussions pertaining to debriefing points along with the following topics:
 - Use of Force Policy;
 - Equipment Required/Maintained;
 - Radio and Tactical Communication (including Code-6);
 - Tactical Planning;
 - Command and Control; and,
 - Lethal Force.

B. Unintentional Discharge

- **Officer A** – (rifle, one round)

In this instance, Officer A was attempting to turn off the electronic sight system attached to his patrol rifle without first conducting a chamber check, resulting in an unintentional discharge. The BOPC was concerned with the fact that Officer A attempted to perform the above mentioned manipulations with a rifle that had not been properly unloaded nor did he conduct a chamber check prior to initiating the manipulations.

Personnel from the Ordnance Unit examined the rifle and found it in good mechanical condition, ruling out any mechanical malfunction. By properly following the Basic Firearm Safety Rules, and Loading Standards, which require rifles to be transported with no ammunition in the weapon, Officer A could have prevented the unintentional discharge.

In conclusion, the BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and found it to be negligent.