

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 089-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Mission	11/4/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 8 months
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Reason for Police Contact

Officer A was in the Police Station garage, preparing to go to the firing range. As he conducted a dry press on the pistol's trigger, an unintentional discharge occurred.

Suspect	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 September 27, 2014.

Incident Summary

Officer A was positioned at the trunk of his police vehicle preparing to go to the firing range. Officer A removed his pistol from the holster, took the magazine out of the weapon and placed it into his right rear pants pocket. Officer A believed he cleared his

weapon by conducting a chamber check. Officer A then placed his weapon on his duty bag in the trunk, removed the magazine from his rear pocket and began unloading the bullets when he realized he should have at least one magazine with bullets in it when he drove to the range. Officer A then inserted the partially loaded magazine into his pistol.

Officer A decided to practice his dry press (i.e., pressing the trigger on an unloaded weapon). He walked over to the opened door on the driver side of the police vehicle, removed the magazine from his weapon while the weapon was still in the holster, and then placed the magazine into his right rear pants pocket. He then unholstered his weapon and pointed the muzzle of his gun toward the floor board. Officer A conducted a trigger press, at which time his weapon discharged and went into slide lock. Officer A released the slide and then holstered his empty weapon.

There were no injuries as a result of this incident.

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 most cases, 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). In this incident, there was no Drawing/Exhibiting of a firearm, and no Use of Force by the officer involved. 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 will 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 a finding of Administrative Disapproval.

Basis for Findings

A. Tactics

- Officer A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, Department guidelines require that personnel who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief.

Officer A was directed to attend a Tactical Debrief that included discussions with designated topics, relevant to this incident.

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

B. Unintentional Discharge

- **Officer A** – (pistol, one round)

Officer A removed his service pistol from its holster. Believing that his pistol was unloaded, with the intent of dry firing the weapon, he pressed the trigger, causing a non-tactical Unintentional Discharge. The discharge led to one round impacting the floor board of his black and white police vehicle.

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