



## **Incident Summary**

Off-duty Police Officer A was visiting Witness A at her residence. The residence was a guest house with a wall that divided the residence into two studio apartments.

According to Officer A, he had recently received a pair of gloves from his supervisor, and he was attempting to determine if he could manipulate his firearm with the gloves on, when he unintentionally discharged his firearm.

According to Officer A, he and Witness A both sat on the sofa, which was an "L" shaped sectional in the living room and turned on the television. Officer A sat facing east (toward the television), while Witness A laid down on a sectional two feet from his left. Officer A removed his firearm from the Glock gun case, removed the magazine and ejected the round from the chamber. Officer A conducted a chamber check to ensure the firearm was unloaded and placed the ejected round in the Glock gun case. Officer A then he put on the pair of form fitted gloves.

Officer A picked up the firearm and racked the slide several times to determine if the gloves would hinder the manipulation and movement of the slide. Officer A had his index finger alongside of the frame. Officer A pointed his pistol toward the east wall to dry fire it. Officer A repeated this several times by bringing his firearm down with his finger along the frame then simulating coming up on target and pressing the trigger. Officer A wanted to determine if the glove would hinder firing his pistol.

Officer A next wanted to determine if he could manipulate the magazine release with the glove on. Officer A placed the loaded magazine in the magazine well and the slide moved forward. Officer A then manipulated the magazine release several times by pressing his thumb on the magazine release button. Officer A had his trigger finger alongside of the frame. Officer A then continued to press the magazine release several times while the magazine was not completely seated in the magazine well. Officer A did not seat the magazine completely because there was enough friction to hold the magazine in place without doing so, and all he was trying to do was test his dexterity on the magazine release button. Officer A then seated the magazine, pointed his pistol at the east wall, placed his finger on the trigger, and pressed the trigger, causing the firearm to discharge.

Officer A immediately placed the firearm in the Glock gun box and told Witness A that his firearm had discharged. Witness A heard a noise, but did not believe that the firearm had discharged, which prompted Officer A to pick up the spent casing from the floor and show Witness A the casing. Officer A placed the casing on the kitchen counter, and he and Witness A went to the neighbor's residence, which was east of the wall.

The investigation determined that when Officer A fully seated the magazine, and the slide moved forward, a live round was loaded into the chamber. Officer A inadvertently forgot that the chamber contained a live round when he resumed dry fire practice. Officer A was intending to dry fire his weapon when the round discharged.

## **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 and Exhibiting 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. Drawing/Exhibiting**

Does Not Apply.

### **C. Unintentional Discharge**

The BOPC found Officer A's Unintentional Discharge (UD) to be negligent.

## **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 personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief. Therefore, the BOPC determined that it would be appropriate to recommend a tactics finding.

Officer A was directed to attend a Tactical Debrief that will include discussions pertaining to 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.

Firearms safety rules were also to be discussed with Officer A during the Tactical Debrief.

**B. Drawing/Exhibiting**

- Does Not Apply.

**C. Unintentional Discharge**

- Officer A removed his firearm from his gun case and while seated, held it in a two-handed, low-ready position. Believing the firearm was unloaded and with the intent of dry firing the weapon, he pressed the trigger, causing a non-tactical unintentional discharge.

Based on the totality of the circumstances, the BOPC concluded that the UD was due to operator error, requiring a finding of Administrative Disapproval, Negligent Discharge.