

Incident Summary

During the service of a search warrant, Detective A and five other officers were engaged in the seizure of approximately 250 firearms in a residential garage. Detective A was in the process of examining the firearms and rendering them safe when he withdrew a pistol from a large gun safe located along the west wall.

As Detective A withdrew the pistol, he was on his knees facing west, with the gun safe in front of him. According to Detective A, he observed that the pistol had been modified. He was unable to see whether the chamber was loaded because the hammer was concealed inside the firearm and there was no "loaded chamber" indicator. As he had rendered such firearms safe in the past, he determined that he should clear the weapon before recovery, receipt and transport.

Holding the pistol in his right hand and still in a kneeling position, Detective A pointed the weapon down and pressed the barrel shroud against a rubber floor mat. According to Detective A, he pulled the charging handle back to look at the chamber. Upon seeing that there was a casing in the chamber, he moved the bolt to its original position. The firearm then unexpectedly discharged, leaving the round lodged in the rubber mat and cement floor. Detective A ensured that none of the officers in the garage were harmed and rendered the weapon safe. A supervisor arrived at the scene and Detective A informed him that an unintentional discharge occurred.

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 Detective A's tactics to warrant a Tactical Debrief

B. Unintentional Discharge

- The BOPC found Detective A's unintentional discharge to be negligent, warranting administrative disapproval.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Utilization of Loading/Unloading Barrel

In this instance, the use of a loading/unloading barrel would have been a preferred safety measure when unloading the handgun. However, the portable loading/unloading barrel was not available. Although this action deviated from the preferred practice, Detective A was cognizant of the safety concerns and improvised with the use of a rubber floor mat and positioned himself in a manner as to minimize the risk of harm to others at scene.

Due to the precaution taken, the BOPC determined that Detective A's actions did not constitute a substantial deviation from approved Department tactical training.

- 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 tactical incident inherently results in considerations for improvement. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively "unjustifiably and substantially deviated from approved Department tactical training."

In conclusion, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

In conclusion, the BOPC found Detective A's tactics to warrant a Tactical Debrief.

B. Unintentional Discharge

- In this instance, Detective A attempted to render the handgun safe and an unintentional discharge (UD) occurred.

The BOPC evaluated the circumstances of this unintentional discharge and noted that multiple examinations of the firearm determined that the weapon was functional. As no defect was found in the firearm, a preponderance of the evidence led the BOPC to conclude that the unintentional discharge resulted from operator error in the manipulation of the handgun. As a result, the BOPC found Detective A's Unintentional Discharge to be negligent, warranting administrative disapproval.