

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

**NEGLIGENT DISCHARGE 037-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
Mission	05/19/2006		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	10 years, 10 months

**Reason for Police Contact**

Officer was on duty and preparing to qualify with his pistol.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
None			

**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, 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 February 27, 2007.

**Incident Summary**

Officer A was on duty and went a Department training facility shooting range to complete his monthly qualification. Officer A was in a uniform, wearing a duty belt and armed with a semi-automatic pistol. Officer A had previously placed and carried an empty magazine between his uniform shirt and duty belt in anticipation of receiving practice loads from the staff at the range to use during the qualification relay.

While in the corridor area of Range B, Officer A stood over a loading barrel holding his pistol in a downward position and unloaded the pistol by removing the magazine and a live round from the chamber and locked its slide back to prepare for the qualification relay. Instead of using the unloaded magazine placed between his duty belt and uniform shirt, Officer A removed a loaded magazine from a magazine pouch on his duty belt, inserted and seated it in the pistol. Officer A failed to conduct a chamber check and turned away from the barrel and began walking away. Believing the pistol was not loaded, Officer A released the locked slide which resulted in a live round being chambered and placed his finger inside the trigger guard and pulled the trigger causing the pistol to discharge the live round.

Officer B, C, D, E and F did not witness Officer A fire his weapon. However, the officers heard the gunshot, turned and observed Officer A standing at a distance with a pistol in his hand, pointed downward. Officer C, who was standing approximately 30 feet away from Officer A, felt something strike him in the area of his stomach upon hearing the gunshot. Officer B, was approximately 75 feet from Officer A, felt a sharp pain to his left forearm immediately after he heard the gunshot.

Sergeant A and Officers G and H, also heard the single gunshot and opined that it emanated from an area outside of the range. Sergeant A and Officer G exited the office to investigate and immediately observed Officer A standing north of them and near the loading barrel. Sergeant A and Officer G contacted Officer A and determined that an accidental discharge had occurred. At the same time, Sergeant A and Officer G determined Officer B had been wounded by the gunfire. Officer B's injuries consisted of a superficial gunshot graze to the left forearm. Officers A and C did not sustain any injuries. Although Officer C was struck by the shrapnel, it did not penetrate his clothing and he did not sustain any injuries. Officer C did not seek medical treatment at the time of the incident.

Officer H who exited the office to assist, and used the ASTRO radio assigned to Officer B to contact Communications Division to request a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA). Officer B was subsequently transported by RA to a hospital for additional medical treatment. Officer B received four stitches in his left forearm and was later released and cleared to return back to full-duty.

### **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 unanimously made the following findings.

**A. Tactics**

Does not apply

**B. Drawing/Exhibiting/Holstering**

Does not apply.

**C. Use of Lethal Force**

The BOPC found Officer A's use of force to be negligent and requires administrative disapproval.

**Basis for Findings**

**Tactics**

The BOPC noted that Officer A approached the loading barrel to unload his pistol in preparation of qualifying and was in possession of an empty magazine secured behind his ammunition pouch.

While in front of the loading barrel, Officer A drew his service pistol and removed the loaded magazine, locked the slide to the rear and placed the live round from the chamber in his hand. Unclear where he placed the loaded magazine, Officer A inadvertently inserted the loaded magazine in the pistol and depressed the slide lever. This resulted in the slide lever moving forward and a live round being inserted in the chamber. Officer A, believing he had cleared his pistol, turned with his back against the loading barrel and began to place his pistol in the holster. Officer A simultaneously and intentionally pressed the trigger to drop the trigger and in doing so, he fired one round into the concrete walkway.

The BOPC was critical of Officer A's failure to adhere to the basic firearm safety rules while handling his pistol. A negligent discharge is a serious incident that cannot be mitigated. Therefore, Officer A's use of force is found as negligent and requires administrative disapproval.