

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

NON-TACTICAL UNINTENTIONAL DISCHARGE 050-11

Division **Date** **Duty-On (X) Off () Uniform-Yes (X) No ()**

Outside City 5/31/11

Officer(s) Involved in Use of Force **Length of Service**

Officer A 2 years, 1 month

Reason for Police Contact

An officer was qualifying at the Firearms Range when he stumbled and unintentionally discharged his weapon.

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.

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 April 10, 2012.

Incident Summary

Area personnel assembled at the Firearms Range for a divisional shooting training day.

The students consisted of 40 sworn personnel from various watches and assignments within the Area. One of the individuals attending the training was Officer A.

At the start of the training day, the students were provided verbal instruction in a staging area, consisting of numerous benches and a canopy.

All of the students walked onto the shooting range area. During this time, Officer B was seated in a dual purpose police vehicle, approximately three to four yards behind the students. Officer B was providing instruction and commands to the students by use of the police vehicle's Public Address (PA) System, while monitoring all the students on both ends of the firing line.

Shortly after Officer B provided instructions, the live-fire portion of the training commenced, during which each student was provided training ammunition for their respective firearm. Prior to each live fire shooting drill, an instructor would bring the students together and demonstrate the drill. The students would then conduct the drill with their firearms unloaded, prior to each live fire drill. The students conducted several live fire drills, firing at paper targets from various distances.

Officer B then went into the off-line threat drills, which is a side-step drill where the officers side-step to get away from a threat. The drill consisted of the officers taking two steps to the left, drawing their weapon and firing two rounds at the paper target.

A member of the firearms training cadre demonstrated the off-line threat drill with an unloaded firearm. Due to the movement required in this scenario, the class was divided equally into two groups.

Once the practice movements of the off-line threat drill were completed, the students were instructed to perform the shooting drill in live-fire mode. There were three relays conducted in which the officers fired two rounds each.

On the second round of live fire and at the command of "contact left," Officer A placed his left support hand on his belt buckle and with his right primary hand, drew his service pistol from his holster. Upon drawing his firearm, Officer A placed his index finger on the trigger, simultaneously taking two steps to the left. On his second and final step, Officer A planted his left foot on the ground and as he did, he rolled his left foot and ankle which caused him excruciating pain and a loss of balance. At this time, Officer A's service pistol was pointing at his right leg. Officer A unintentionally pulled the trigger and discharged a single round into his leg, causing serious injury.

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. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to be negligent, warranting Administrative Disapproval.

Basis for Findings

A. Unintentional Discharge

- **Officer A** – (pistol, one round)

On the second round of the off-line threat drill and at the command of "contact left," Officer A placed his left support hand on his belt buckle and with his right primary hand, drew his service pistol from his holster. Upon drawing his firearm, Officer A placed his index finger on the trigger, simultaneously, taking one step to the left. On his second and final step, Officer A planted his left foot on the ground and as he did, he rolled his left foot and ankle, which caused him excruciating pain and a loss of balance. At this time, Officer A's service pistol was pointing at his right leg when he discharged a round.

Officer A acknowledged reviewing the "Four Basic Firearm Safety Rules" prior to participating in the live fire training; and though rule No. 3 mandates that you, "Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot," Officer A clearly placed his finger on the trigger of his service pistol prior to coming up on target. Though Officer A indicated that his foot slipped as he was conducting this drill and that this slip directly contributed to him shooting himself in the leg, this incident would not have happened had he followed the Basic Firearms Safety Rules.

In conclusion the BOPC found that Officer A's unintentional discharge to be negligent.