

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 064-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off( )</b>	<b>Uniform-Yes(X) No( )</b>
Van Nuys	08/09/10		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	10 years, 4 months

**Reason for Police Contact**  
N/A

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</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 and addenda items); the 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 Los Angeles Police Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the Commission.

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 July 19, 2011.

## **Incident Summary**

Officers A and B completed roll call and then retrieved equipment and a black and white police vehicle prior to their shift. Officers A and B checked out a beanbag shotgun, shotgun, TASER, digital camera and keys to their assigned vehicle. According to Officer B, consistent with his daily duties, he conducted a visual inspection of the shotgun and beanbag shotgun to ensure the “action” was open and the safety was on, which they were, for both weapons. The officers then placed their equipment into the trunk of their assigned vehicle, and Officer B returned to the locker room to obtain his equipment bag.

Meanwhile, Officer A conducted his pre-shift safety check of the shotgun, while standing behind the trunk of the parked police vehicle. According to Officer A, he picked up the shotgun (barrel pointing upwards) and noticed the slide was open. He looked into the chamber and observed it was empty. He then proceeded to check the front site down the barrel to the rear site. He checked the ejector and extractor. He closed the action to the shotgun and checked to make sure the safety was turned on. He squeezed the trigger to make sure the safety was functioning correctly. He pushed the safety off and squeezed the trigger (to check the firing pin).

When Officer A squeezed the trigger, the shotgun discharged a round, and pellets struck the ceiling of the parking structure.

## **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 revolver 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**

Does not apply.

### **C. Unintentional Discharge**

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

#### **Basis for Findings**

##### **A. Tactics**

Does not apply.

##### **B. Drawing/Exhibiting**

Does not apply.

##### **C. Unintentional Discharge**

In this instance, when taking possession of the shotgun, Officer A failed to visually inspect the magazine and verify the condition of the weapon. Officer A again failed to conduct the chamber checks required when testing the shotgun's safety mechanism resulting in its unintentional discharge.

The unintentional discharge of the shotgun by Officer A substantially and unjustifiably deviated from approved Department training and was negligent in nature. A finding of Administrative Disapproval – Negligent Discharge, is a finding where it was determined that the UD of a firearm resulted from operator error, such as a violation of Department policy and training which occurred in this incident.

In conclusion, the BOPC found that Officer A's unintentional discharge requires a finding of Administrative Disapproval – Negligent Discharge.