

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

OFFICER-INVOLVED SHOOTING – ACCIDENTAL SHOOTING 074-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Pacific LAX	08/30/2005		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	7 year, 3 months

Reason for Police Contact

Officer A was on duty and was attending weapons training at a recruit training Center.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
N/A			

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 suspect 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 August 1, 2006.

Incident Summary

Officer A was attending weapons training at a recruit training center. Officer A completed taking part in a weapons inspection in the patio area behind. After the inspection, Officer A chambered a round in his service pistol from a full magazine of 15 rounds he had seated into the pistol magazine well. When Officer A did this, he failed to engage the safety on his pistol. Officer A was then preparing to re-holster the pistol when accidental discharge occurred. Officer A stated that he did not recall his finger being on the trigger of the pistol when the discharged occurred.

At the time, four other officers were in the patio area, but they did not witness the discharge of Officer A's pistol. Each of these officers indicated that they heard a round discharge, turned and observed Officer A holding the pistol in his right hand and pointed toward the ground.

The round struck the patio surface and could not be located. The direction the round was fired in was not in the same direction of any of the other occupants on the patio at the time of the discharge.

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

The BOPC found that tactics did not apply to this incident.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing/exhibiting/holstering did not apply to this incident.

C. Use of Force

The BOPC found that Officer A's use of force was negligent, requiring Administrative Disapproval.

Basis for Findings

A. Tactics

The BOPC found that tactics did not apply to this incident.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing/exhibiting/holstering did not apply to this incident.

C. Use of Force

The BOPC noted that after completing a weapons inspection in the rear patio of training center, Officer A walked to one side of the patio, placed a magazine with 15 rounds into his service pistol and chambered a round. As Officer A holstered his service pistol with his right hand, an accidental discharge occurred. The round struck the patio in front of Officer A. The BOPC noted that when Officer A chambered a round, he did not use one of three loading/unloading barrels located in close proximity to the location where he chambered a round in the weapon. The BOPC was also concerned that Officer A did not adhere to basic firearm safety rules when handling his service pistol. The BOPC noted that a negligent discharge is a serious incident and could not be mitigated.

The BOPC found that Officer A's use of force was negligent, requiring a finding of administrative disapproval.