

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

UNINTENTIONAL DISCHARGE 083-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X Off()</u>	<u>Uniform-Yes(X) No()</u>
Rampart	09/03/08		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	21 years, 6 months

Reason for Police Contact

Not applicable.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Not applicable.			

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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on August 11, 2009.

Incident Summary

Uniformed Officer A was one of a number of officers who responded to assist with a perimeter established for homicide subjects who had fled from a traffic stop. Another officer who had responded to the scene, Officer B, had initially deployed a shotgun, but subsequently transitioned to his pistol, and secured the shotgun on the back seat of a police vehicle. Officer A retrieved the shotgun that had been placed in the vehicle by Officer B. Officer A conducted a chamber check and observed that there was a round in the chamber. Officer A then closed the slide and unintentionally discharged the shotgun. The shotgun was pointed upward when it discharged.

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. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibiting to be in policy.

B. Unintentional Discharge

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

Basis for Findings

A. Drawing/Exhibiting

In adjudicating this incident, the BOPC considered that Officer A exhibited a Department shotgun in preparation for conducting a search for an outstanding homicide suspect. At that point in the incident, it was reasonable for Officer A to believe that the situation might escalate to the level where the use of lethal force might become necessary.

B. Unintentional Discharge

The BOPC noted that the unintentional discharge was due to operator error. Department approved training relative to basic firearm safety rules directs that firearms should always be handled as if the firearm is loaded, and that the operator's finger should be off the trigger unless the operator has sights aligned, and intends to shoot. A preponderance of the evidence indicates that shotgun's safety was off and that Officer A had his finger on the trigger when he closed the action, resulting in the unintentional discharge. This discharge was the result of Officer A's violation of the firearm safety rules and his failure to ensure that the safety was on prior to conducting the chamber check.

Accordingly, the BOPC found Officer A's unintentional discharge to be negligent, warranting administrative disapproval.