

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 085-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
West Valley	08/16/07		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	2 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 the 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 officer; 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. 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 and for ease of reference, masculine pronouns (he, his, and him) are used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on July 15, 2008.

Incident Summary

Uniformed Officers A and B completed roll call and checked out a shotgun and carried it to the parking garage. Officer B loaded the shotgun to "patrol ready" condition, and handed it to Officer A to place in the vehicle shotgun rack. Officer A was unaware whether Officer B had loaded the shotgun, but noticed that the weapon's action was closed. According to Officer A, he pointed the shotgun upward and conducted a physical and visual check of the chamber. Officer A did not see or feel a round in the chamber. Officer A checked the barrel, the ejection port, the extractor, and the firing pin, then closed the action to check the safety.

Officer A then disengaged the safety and pulled the trigger, unintentionally discharging a round which impacted the concrete ceiling of the parking garage. Officer A immediately reported the incident to his supervisor.

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

Does not apply.

C. Use of Force

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

Basis for Findings

A. Tactics

Does not apply.

B. Drawing/Exhibiting

Does not apply.

C. Use of Force

The BOPC noted that Officer A was responsible to perform a shotgun check at the beginning of his shift. Officer A received the shotgun from his partner, who had already completed a safety check and loaded the shotgun to patrol ready. Officer A observed the action was closed and began to conduct a safety check of the weapon, without ensuring the weapon was unloaded. While performing the check, Officer A

inadvertently loaded a live round into the chamber of the shotgun. As Officer A continued the shotgun check, he disengaged the safety and pulled the trigger to the rear, a required step of an unloaded shotgun check, resulting in the discharge of one round into the ceiling.

The BOPC determined that Officer A failed to adhere to the basic firearm safety rules while handling the shotgun. Accordingly, the BOPC found Officer A's unintentional discharge to be negligent, requiring administrative disapproval.