

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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 012-16

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

Central 2/16/16

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

Officer A 13 years, 2 months

Reason for Police Contact

Officer A attempted to dry-fire what he believed to be an unloaded weapon, resulting in an unintentional discharge.

Subject Deceased () Wounded () Non-Hit ()

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 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 January 10, 2017.

Incident Summary

On February 16, 2016, Officer A was on-duty and seated inside the bike shed located on the ground level of the parking garage of his Area Station. Also in the bike shed with Officer A were several other officers, including Officer B. Officer B and two other officers were seated on the east side of the bike shed, approximately ten feet away from Officer A. The officers were preparing to travel to the Elysian Park Police Academy to perform shooting qualification with the rest of their unit and supervisor, and were waiting for those officers to arrive.

In preparation for qualification, Officer A decided to practice dry-fire exercises with his service pistol and sat down on a chair facing north in front of the table, approximately two feet away from the north wall. With his right hand, Officer A unholstered his pistol and with the muzzle of the pistol pointing toward the ground, he removed the fully loaded magazine from the magazine well with his left hand and placed it between his magazine pouch and his body. He then removed the one live round from the firing chamber and placed it, along with the magazine, on top of the table. He conducted a final chamber check on his pistol and verified that there was no round in the chamber.

Note: Officer A repeatedly manipulated his pistol's slide to cock the weapon as he conducted approximately 10 to 12 dry fire presses of the trigger.

Officer A noticed that it was getting close to the time to leave so he ceased dry firing, picked the magazine up from the table, and placed it back into his pistol's magazine well. He then conducted a chamber check to ensure the condition of the firing chamber, and chambered a cartridge. Officer A removed the magazine from the pistol's magazine well and inserted the additional cartridge, loading the magazine to capacity. He then inserted the full magazine back into the magazine well of the pistol, holstered the pistol and engaged in conversation with his fellow officers.

Approximately five minutes later, Officer A decided to continue his dry-fire exercise. He stood up, faced the south wall of the bike shed and held his pistol with two hands in a standing shooting position. He raised the pistol, acquired a sight picture on the south wall, placed his finger on the trigger and pressed it. Officer A unexpectedly fired a round and cycled the slide, ejecting the expended cartridge case onto the floor of the bike shed. A bullet fragment struck Officer B, causing a minor 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 and 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. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting – Does Not Apply.

C. Unintentional Discharge

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC considered the following:

1. Department Loading/Unloading Procedures

The investigation revealed that Officer A unloaded and loaded his service pistol in the bike shed without using a Department Loading/Unloading Barrel.

2. Notifications

The investigation revealed that Officer A did not immediately notify a supervisor of the UD.

3. Post OIS Protocol

The FID investigation revealed that Sergeant A did not separate Officer A from the other officers prior to obtaining a PSS and failed to adhere to the questioning protocols as required by the Department.

B. Drawing/Exhibiting – Does Not Apply

C. Unintentional Discharge

- **Officer A** – (pistol, one round)

Believing his service pistol was unloaded, Officer A stood up and faced the south wall of the bike shed, drew his service pistol, and pressed the trigger, discharging one round into the wall of the bike shed.

Accordingly, the BOPC found that Officer A's unintentional discharge to be negligent.