

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 054-21**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Harbor	10/5/21		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	15 years, 5 months
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**Reason for Police Contact**

Officer A was at a Department range to participate in a required pistol qualification. Officer A had emptied his/her magazines and mistakenly believed that he/she had downloaded the remaining live round from the chamber and that his/her pistol was empty. While standing at the trunk of his/her police vehicle, Officer A decided to conduct a “dry press” with his/her pistol for the purpose of improving his/her accuracy during live fire. While pointing his/her pistol downward into the trunk of his/her vehicle, he/she then intentionally pressed the trigger, causing a Non-Tactical Unintentional Discharge (NTUD).

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

**Board of Police Commissioners’ Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) 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, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 30, 2022.

## **Incident Summary**

On October 5, 2021, at approximately 1200 hours, Officer A was at a Department shooting range with other members of his/her unit to participate in the Department's required pistol qualification. Officer A's police vehicle was parked along in the parking lot facing the range facility. While waiting for the next qualification relay, Officer A removed the two magazines from his/her duty belt and unloaded the live cartridges into a plastic bag. Officer A then placed the empty magazines back into the magazine pouches of his/her equipment belt.

Officer A indicated that his/her pistol remained in his/her holster as he/she removed his/her primary magazine from the magazine well. Officer A unloaded the live cartridges from this magazine and placed them in the same plastic bag. Officer A intended to walk to the designated loading/unloading barrel near the range facility to safely remove the one live cartridge that remained in the chamber of his/her pistol. Prior to that occurring, Officer A learned the range would be closed for a lunch break and that qualification would resume at 1440 hours.

Officer A stated that he/she and Sergeant A discussed their lunch plans while they waited for the range to reopen. In anticipation that he/she would be leaving the range facility, Officer A reloaded his/her primary magazine. However, after further discussion, it was decided that Officer A would remain at the range, while other officers departed to bring lunch back for the unit. Officer A returned to the trunk of his/her police vehicle, and again unloaded the live cartridges from his/her primary magazine and placed them in the plastic bag. Officer A then placed the empty magazine on the driver-side trunk ledge.

While standing at the trunk of his/her police vehicle, Officer A decided to conduct a "dry press" with his/her pistol for the purpose of improving his/her accuracy during live fire. Officer A mistakenly believed he/she had downloaded the remaining live round from the chamber and that his/her pistol was empty. Officer A stood in a slightly bladed stance, utilized a two-handed grip, and pointed his/her pistol downward into the trunk of his/her vehicle. Officer A then intentionally pressed the trigger, causing a live round to discharge into the floor of the trunk. The pistol went out of battery with the slide locked back. Officer A visually inspected the pistol to ensure it was unloaded and then placed it in the trunk of his/her vehicle.

Sergeant A was in the parking lot at the time, several feet east of Officer A's police vehicle. Upon hearing the gunshot, Sergeant A initially believed it came from the hillside behind the range. Sergeant A walked to the rear of Officer A's police vehicle to speak with Officer A and observed him/her either sitting or standing nearby. According to Sergeant A, Officer A informed him/her that he/she had accidentally fired a round into the trunk of his/her vehicle while unloading his/her pistol.

## **BWV and DICVS Policy Compliance**

Does not apply.

## **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each CUOF 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 of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). 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 and Exhibiting**

Does not apply.

### **C. Unintentional Discharge**

The BOPC found Officer A's non-tactical unintentional discharge (NTUD) to be negligent, warranting a finding of Administrative Disapproval.

## **Basis for Findings**

### **A. Tactics**

- In this case, Officer A was not engaged in a tactical operation. Therefore, Officer A was not evaluated for tactical de-escalation.

Officer A's tactics were not reviewed or evaluated, as they were not a factor in this incident. However, Department guidelines require personnel who are substantially involved in a CUOF incident to attend a Tactical Debrief. Accordingly, consistent with Department policy, the BOPC made a finding of Tactical Debrief for Officer A's tactics.

### **B. Drawing and Exhibiting**

- Does not apply

### **C. Unintentional Discharge**

- **Officer A** – (pistol, one round)

**Background** – Officer A’s background was the interior of his/her police vehicle’s trunk, as well as the equipment bags inside. The police vehicle was backed into a parking spot along the north side of the lot, with the front of the vehicle facing south. The projectile passed through the trunk but was not recovered; it was believed to be caught in an unknown location in the vehicle’s chassis.

While standing at the trunk of his/her police vehicle, Officer A decided to conduct a “dry press” with his/her service pistol, to improve accuracy while qualifying. According to Officer A, he/she believed he/she had gone to the loading/unloading barrel and removed the live cartridge from the chamber. Using a Weaver stance, Officer A aimed his/her service pistol down into the open trunk of his/her police vehicle and pressed the trigger, causing one round to discharge into the floor of the trunk. Officer A’s pistol went out of battery with the slide locked to the rear. Officer A visually inspected his/her service pistol to ensure it was unloaded and then placed it in his/her trunk.

The BOPC evaluated the circumstances and evidence related to the NTUD. The BOPC noted that although Officer A had intended to unload his/her service pistol, he/she left the round in the chamber when he/she learned that the range was closing for lunch. The BOPC opined that after discussing his/her lunch plans, Officer A forgot the round was still in the chamber. Because Officer A told FID investigators that he/she believed he/she had removed the live cartridge from the chamber, the BOPC opined that Officer A did not verify the condition of his/her service pistol before pressing the trigger. As such, the BOPC determined that Officer A violated the first two rules of firearms safety when he/she unintentionally discharged a round into the trunk of his/her police vehicle.

The BOPC noted that before conducting a “dry press,” officers should verify the condition of their firearms by conducting a chamber check. Also, the BOPC would have preferred that Officer A had waited until he/she was on the firing line to conduct the “dry press.”

The BOPC noted that per Officer A, after the NTUD, his/her pistol went out of battery with the slide locked to the rear. For the slide to lock to the rear, a magazine must be inserted in the well. Alternatively, the operator can manually activate the slide stop lever. According to Officer B, Training Division, Department Armorer, depending on how the pistol is held, an operator can unintentionally activate the slide stop lever, locking the slide to the rear, even if the magazine has been removed. Although Officer A did not know how or why his/her slide locked to the rear, he/she had been trained to do so, to ensure that his/her pistol was safe. Based on the totality of the circumstances, the BOPC opined that after the NTUD, Officer A defaulted to his/her training, locking the slide to the rear while ensuring his/her service pistol was unloaded; he/she simply did not recall doing so.

Based on the totality of the circumstances, the BOPC determined that the NTUD was the result of operator error. Officer A's actions violated the Department's Basic Firearm Safety Rules, requiring a finding of Administrative Disapproval, Negligent Discharge.

Accordingly, the BOPC found Officer A's non-tactical unintentional discharge (NTUD) to be negligent.