

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

UNINTENTIONAL DISCHARGE – 010-10

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Rampart	1/29/10		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	2 years

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 June 1, 2010.

Incident Summary

Officer A checked out a shotgun from the Rampart Station kit room. According to Officer A, he observed that the shotgun's action was open, that the safety was engaged, and visually and physically verified the condition of the weapon before conducting a five-point safety check. As he conducted the safety check, Officer A closed the shotgun's action, conducted a chamber check and pressed the trigger in order to test the safety. He then disengaged the safety and pressed the trigger. The shotgun, which was pointing upwards, discharged and was dropped by Officer A. Within seconds of the discharge, Rampart Area Sergeant A responded and secured the shotgun.

Note: This incident was captured on video. The video does not show Officer A conducting a chamber check after closing the shotgun's action.

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. Use of Force

The BOPC found Officer A's unintentional discharge to be negligent.

Basis for Findings

A. Use of Force

Department approved training instructs that a shotgun chamber check should be performed to verify the condition of the weapon, except under combat conditions. The Department instructs that a six point check should be employed to insure that the shotgun is safe and prepared for use.

In this instance, Officer A neglected to adequately inspect the magazine tube in accordance with Department training. As a result, he caused an Unintentional Discharge while checking the shotgun's safety mechanism.

The BOPC found that the unintentional discharge of the firearm resulted from Officer A's operator error. Officer A failed to adhere to the basic firearm safety rules while handling his shotgun. Accordingly, the BOPC found Officer A's unintentional discharge to be negligent.