

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 025-14**

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

Newton      5/12/14

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

Officer A      3 years, 9 months

**Reason for Police Contact**

An officer was performing a safety check on his Department-issued shotgun when an unintentional discharge occurred.

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

Does not apply.

**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 27, 2015.

## **Incident Summary**

On the above date, Officer A unintentionally discharged a shotgun while conducting a safety check at the beginning of his watch. After the unintentional discharge, Officer A placed the safety on, put the shotgun in the trunk and went to notify a supervisor. The incident occurred in the multi-level parking structure of the police station, at the opened rear trunk area of a black and white police vehicle parked on the second parking level.

Officer A's partner, Officer B, was approximately two feet from Officer A adjusting his equipment in the trunk of the police vehicle when he heard the unintentional discharge. Officer B did not witness the unintentional discharge; however he observed Officer A rack the shotgun and observed a shotgun hull eject onto the ground.

## **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 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 actions to warrant a Tactical Debrief.

### **B. Unintentional Discharge**

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

## **Basis for Findings**

### **A. Tactics**

- Although Officer A was on-duty, he was not on a call and there were no identified tactical concerns, Department guidelines require that personnel who are substantially involved in categorical use of force incidents attend a Tactical Debrief.

Officer A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, Officer A was directed to attend a Tactical Debrief that

included discussions pertaining to the above Debriefing Point along with other designated topics.

In conclusion, the BOPC found Officer A's actions to warrant a Tactical Debrief.

## **B. Unintentional Discharge**

- **Officer A** – (shotgun, one round)

Officer A was at the rear of his patrol vehicle and conducted a Department safety check. Officer A recalled inspecting the chamber of the weapon but did not visually inspect the magazine tube prior to deactivating the safety and pressing the trigger. Subsequently, Officer A experienced an unintentional discharge.

Officer A recalled that he closed the "action" and held the shotgun at chest level when he conducted a chamber check. He verified the safety was on with his left middle finger, pressed the trigger, and an accidental discharge occurred.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that Officer A failed to properly verify the condition of the shotgun while he was conducting an administrative function. Officer A failed to ensure that the loading port, magazine tube and firing chamber were properly clear prior to pressing the trigger. The unintentional discharge of the Department shotgun resulted from operator error.

In conclusion, the BOPC found that Officer A's unintentional discharge to warrant a finding of Administrative Disapproval – Negligent Discharge.