

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 041-08**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X) Off( )</u></b>	<b><u>Uniform-Yes(X) No( )</u></b>
Foothill	04/22/08		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Police Officer A	11 years, 5 months

**Reason for Police Contact**

Not applicable.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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 suspect 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on March 10, 2009.

**Incident Summary**

Officer A was at the shooting range for firearms training. Officer A intended to oil his pistol prior to training. Officer A had previously emptied the ammunition from his pistol, but inadvertently placed a magazine loaded with practice ammunition into the pistol. Officer A conducted a chamber check of his pistol and did not see a round in the chamber. However, in conducting the chamber check, Officer A inadvertently chambered a round. Officer A did not cycle the slide of the pistol to ensure there were no rounds in the chamber. Believing his pistol was unloaded, Officer A pointed the pistol in the direction of his open vehicle trunk and pulled the trigger, so that he could

remove the slide from the pistol. When he did so, a round discharged from the pistol and struck the officer's body armor, which was stowed in the trunk.

### **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. Unintentional Discharge**

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

### **Basis for Findings**

#### **A. Unintentional Discharge**

The BOPC noted that the unintentional discharge was due to operator error. Officers are trained to pull the slide back three times and conduct a chamber check in order to ensure there are no rounds in the firing chamber prior to pressing the trigger. Officer A failed to complete this required step. Officer A did not adhere to the basic firearm safety rules and established disassembly procedures while handling his service pistol.

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