

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 046-19**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Southwest	9/29/19		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	11 months
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**Reason for Police Contact**

While attempting to remove a shell from the chamber of his/her shotgun Officer A disengaged the safety, pressed the trigger, and a Non-Tactical Unintentional Discharge (NTUD) occurred.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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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 August 18, 2020.

## **Incident Summary**

On Sunday, September 29, 2019, Police Officers A and B were working together. Prior to his/her start of watch, Officer A visually and physically inspected his/her shotgun. Officer A loaded the shotgun by placing four 12-gauge shotgun shells into the magazine tube and placed the shotgun in the police vehicle's shotgun rack. No round was loaded into the chamber.

While on patrol, the officers responded to a back-up request for a stolen vehicle. Upon arrival, two units were deployed on the stolen vehicle in a felony stop configuration with one police vehicle behind the stolen vehicle and the other police vehicle parallel to the first police vehicle. Officer A obtained the shotgun from inside his/her black and white police vehicle, held the shotgun with the barrel in an upright position, and chambered a shotgun shell into the chamber. Officer A approached the passenger side of the police vehicle and transitioned the shotgun to a low-ready position as he placed him/herself at the passenger door of the police vehicle.

Officer A's Body Worn Video (BWV) depicts him/her transitioning with the shotgun from a port arms position to a low-ready position, with the barrel possibly covering an officer who was positioned behind the door of a police vehicle.

Officer A took the safety off and placed his/her finger along the frame of the shotgun. The Subject appeared to be unconscious, and the decision was made to approach the vehicle and remove him from the vehicle. Officer A approached the vehicle with other officers and covered the vehicle with his/her shotgun. Once the Subject was removed from the vehicle, Officer A placed the shotgun safety back on.

Officer A returned to his/her vehicle and attempted to remove the shotgun shell from the chamber by slightly opening the ejection port and attempting to grab the shotgun shell with his/her middle finger, however Officer A was unable to grab onto the shotgun shell. After several attempts to remove the shotgun shell in this manner, Officer A sat on the front passenger side of his/her police vehicle and placed the shotgun stock on his/her right thigh. Officer A again attempted to remove the shotgun shell by slightly opening the ejection port several times and manipulated the safety on and off. Officer A then attempted to manipulate the slide handle back and forth and he/she took the safety off. Officer A moved his/her right hand down to the trigger guard, placed his/her right index finger on the trigger, and applied pressure to the trigger, causing the shotgun to discharge. Officer A engaged the safety and stood up as he/she placed the shotgun on the front passenger seat.

Sergeant A, who had arrived at scene moments earlier, heard a loud boom. He/she did not observe the shotgun discharge. Sergeant A took control of the shotgun from Officer A and obtained a Public Safety Statement from Officer A. Sergeant A preserved the condition of the shotgun and secured it until the arrival of Force Investigation Division (FID) personnel.

## **BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes

## **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). 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. Non-Tactical Unintentional Discharge**

The BOPC found Officer A's Non-Tactical Unintentional Discharge to be Negligent.

## **Basis for Findings**

### **A. Tactics**

- Officer A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief. The BOPC determined that it would be appropriate to recommend a tactics finding of Tactical Debrief.

In this case, Officer A was conducting the administrative function of downloading a shotgun after the conclusion of a tactical event. Officer A was no longer engaged in a tactical operation and was attempting to download his/her shotgun while he/she walked back to his/her police vehicle; therefore, Officer A was not evaluated for Tactical De-escalation.

## **Additional Tactical Debrief Topics**

- **Basic Firearm Safety Rules** – Officer A chambered one shotgun round, making the shotgun ready to fire as he/she approached the primary police vehicle. Officer A momentarily covered another officer's back with the muzzle of the shotgun as he/she transitioned the shotgun from the low-ready position to the on-target position. Officer A was reminded of the importance of muzzle control and the Basic Firearm Safety Rules, particularly to never allow the muzzle of a weapon system to cover anything he/she is not willing to shoot.
- **Firearm Manipulations** – Officer A chambered one shotgun round, making the shotgun ready to fire, and disengaged the safety while in the low-ready position and not on target. Officer A was reminded that while handling a shotgun to only disengage the safety when the shotgun is on-target and he/she intends to shoot.

Additionally, after the conclusion of the tactical incident, Officer A stated that he/she disengaged the shotgun safety as he/she attempted to download the shotgun. Officer A was reminded that the shotgun safety is to remain engaged when the shotgun is being downloaded.

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

Does Not Apply

### **C. Unintentional Discharge (UD)**

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

According to Officer A, he/she loaded the shotgun during the tactical incident. After the driver had been taken in custody, Officer A no longer needed the shotgun. While Officer A walked back to his/her police vehicle to secure the shotgun, he/she unsuccessfully attempted to download the shotgun. After multiple attempts to download the shotgun, Officer A became frustrated and inadvertently disengaged the safety of the shotgun. Officer A placed his/her finger on the trigger and applied pressure, which caused a single round to be discharged. The round traveled in an upward trajectory.

The BOPC noted that Officer A took full responsibility for the incident during his/her interview with FID investigators. The BOPC determined that the NTUD was the result of operator error. Officer A failed to properly download the shotgun and out of frustration disengaged the shotgun safety, placed his/her finger on the trigger, and caused the shotgun to be fired.

Based on the totality of the circumstances, the BOPC determined, that the NTUD was the result of operator error, as Officer A did not properly download his/her

shotgun utilizing Department trained and approved techniques. Additionally, Officer A failed to adhere to the Basic Firearm Safety Rules.

Thus, the BOPC found Officer A's Non-Tactical Unintentional Discharge to be Negligent.