

Incident Summary

Officer A unintentionally discharged a rifle that was seized as evidence during a burglary investigation. The incident occurred in the street, next to the officer's police vehicle while he attempted to render the firearm safe for transportation.

According to Officer A, he was unfamiliar with the firearm and was following the verbal instructions of the arrestee as to how to unload it. Officer A indicated that the arrestee advised him to pull the hammer all the way back, depress the trigger and then pump. While holding the weapon in his left hand and muzzle pointed toward the sky, he pulled the hammer back all the way, depressed the trigger, and a round was discharged from the weapon.

Also present were Sergeant A, Officers B, C, and D, who heard but did not observe the discharge.

Immediately after the discharge occurred, Sergeant A took control of the rifle and placed it inside the trunk of his police vehicle, and then notified the Area Watch Commander.

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 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. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

Does not apply.

C. Unintentional Discharge

The BOPC found Officer A's unintentional discharge to warrant a finding of Administrative Disapproval – Negligent Discharge.

Basis for Findings

A. Tactics

- Officer A's tactics were not a factor and therefore not reviewed or evaluated during this incident. However, the BOPC has determined that it would be appropriate for Officer A to attend a Tactics finding.

B. Drawing/Exhibiting

- Does not apply.

C. Unintentional Discharge

- While attempting to unload an unfamiliar firearm, Officer A followed the arrestee's instructions and pulled the hammer back and pressed the trigger, discharging a single round.

Officer A failed to follow established Department procedures when dealing with unfamiliar firearms, which called for securing the firearm and ensuring that proper notifications were made.

The BOPC evaluated the circumstances relevant to Officer A's UD and determined that the discharge to be negligent.