

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

UNINTENTIONAL DISCHARGE – 069-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Topanga	11/13/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	17 years, 1 month
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Reason for Police Contact

Not Applicable.

Subject	Deceased () Wounded () Non-Hit ()
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Not Applicable	
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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.

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 September 29, 2015.

Incident Summary

Officer A and Officer B had just completed roll call and checked out a shotgun from the kit room. Officer A verified the shotgun was unloaded with the action open, safety on and put it in the trunk of the officers' police car. Officers then drove to the area of Officer B's personal vehicle to retrieve additional equipment.

Officer B opened the trunk of the police car, took possession of the shotgun, and completed a six-point safety check. Officer B loaded the weapon using four of the six shotgun shells located in the side saddle carrier and gave the shotgun with the action closed to Officer A, who was standing on the passenger side of the police vehicle, and told him to put it in the vehicle.

Believing that Officer B wanted him to make the weapon ready for the field, Officer A partially opened the action verified that the chamber was empty and started a six-point safety check. During his safety check, Officer A estimated that he opened the action approximately two to three inches and inspected the weapon's ejector, extractor, and shell carrier. Officer A closed the action, ensured the safety was on and pressed the trigger. Officer A did not hear a metallic ping, conducted an additional chamber check, disengaged the safety and pulled the trigger. After hearing a metallic ping, Officer A partially cycled the action engaging the trigger reset.

After determining that the weapon was in proper working order, Officer A shouldered the weapon on his right side, pointed it in the air and aimed it in southeasterly direction.

Officer A disengaged the safety, pressed the trigger, and then cycled the action loading a round into the chamber. While still aiming the weapon in a southeasterly direction, Officer A pressed the trigger discharging the shotgun. Following the discharge, Officer A immediately downloaded the shotgun, placed the expended shotgun shell and three live shotgun rounds on the front passenger seat of his police vehicle and placed the unloaded shotgun in the trunk.

Sergeant A was approximately 35 feet from the officers when he heard the shot come from their direction. Sergeant A walked over to the officers and confirmed that none of the officers were injured and established that an unintentional discharge had occurred.

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 unanimously made the following findings.

A. Tactics

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

B. Unintentional Discharge

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

Officer A was on-duty at the time of the Unintentional Discharge, and was performing an administrative function with the Department shotgun; therefore, there were no identified tactical concerns.

Officer A's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, the following Debriefing Points were noted:

- Remington 870 Safety Checks - It is crucial to conduct a thorough safety check before deploying a shotgun for a duty assignment. The officer must not only know the steps of the safety check, but also know what would constitute a bad order (B/O) shotgun.
- Verifying the Condition - When handling a shotgun, an officer should know the condition of the shotgun so that it can be handled safely and appropriately. The first thing an officer should do when picking up or receiving a shotgun is verify the condition.
 1. Action open – the slide handle is fully to the rear of the shotgun against the receiver.
 2. Safety on – the button of the safety is protruding on the right hand side of the trigger guard.
 3. Visually and physically check the LOADING PORT, MAGAZINE TUBE, and the CHAMBER.

- Communication - The investigation revealed that Officer B handed off a loaded shotgun to his partner without advising him of the status of the weapon. Communication between officers is important during all police work, such as the handling and loading of the shotgun. The BOPC would have preferred that Officer B advised his colleague of the condition of the shotgun when handing it over.
- The BOPC found that Officer A should attend a Tactical Debrief that included discussions pertaining to the above Debriefing Points.

B. Drawing/Exhibiting

- Does not apply.

C. Unintentional Discharge

- 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 cleared prior to pressing the trigger. The UD of the Department shotgun resulted from operator error thus violating the Department's Firearm Safety Rules, as well as standard procedures regarding the six-point safety check required for Department issued shotguns.

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