

Incident Summary

Officer A had completed day one of the LAPD Police Rifle School and was instructed to return all live rounds prior to leaving for home. Officer A was also issued eight inert/dummy rounds in order to practice at home for the rifle manipulations test the next day.

While at home, Officer A verified the condition of the weapon in front of Witness A. He verified the rifle was safe and empty by racking the charging handle a few times and locked the bolt to the rear. Officer A also visually checked the extraction port to verify the weapon was empty. Once he and Witness A were satisfied with the condition of the weapon, Officer A went to the living room to practice for the upcoming manipulations test. Officer A practiced speed reloading, tactical reloading and malfunction clearance. In doing so, he pressed the trigger approximately 30 times. As he continued his practice, Officer A discharged a live round.

Officer A unloaded, cleared and secured the rifle. He then telephonically contacted his immediate supervisor. Officer A checked the immediate area to determine there were no injuries as a result of the incident and determined no one was injured as from the discharge.

According to Officer A, while at the rifle school, he had experienced approximately five malfunctions with the rifle. During one malfunction, a round became lodged above the ejection port, and Officer A was unable to view the lodged round. Officer A was informed by one of the instructors, Officer B, that a round can get lodged inside the gun where it cannot be seen. Officer A believed this was the case in his unintentional discharge. Officer A believed a round was lodged above the ejection port and was undetected even though he ensured the rifle was safe.

According to Officer B, on the first day of rifle school, students practiced various self-induced rifle malfunctions several times. Officer B stated there was an armorer on scene to fix any rifles that were not functioning properly. Furthermore, if the rifle could not be fixed at scene, they were replaced by spare rifles that were available. According to Officer B, the only time a student would not be able to overcome a malfunction, is if the student experienced what Officer B referred to as a "bolt override." In a situation of a bolt override, the rifle would become inoperable and students were advised to transition to their side arm-type weapons. Officer B advised that in a bolt override situation, it is very easy to see the cartridge since it pushes the bolt back three quarters of an inch. Officer B also stated that it is impossible for a cartridge to be stuck unseen in a rifle that could still be operable. Officer B added that it was possible that Officer A had received incorrect information from fellow students. At the end of the day, students were instructed to return all live ammunition and were issued eight rounds of snap caps/dummy rounds to practice for the manipulations test.

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, warranting administrative disapproval.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical consideration:
 1. Firearms Manipulations – Five Basic Firearms Safety Rules.
 2. Operating Procedures of the Police Rifle.
- Although this incident involved off-duty personnel and there were no identified tactical concerns, Department guidelines require that officers who are substantially involved in Categorical Use of Force incidents attend a Tactical Debrief. To that end, the BOPC found Officers A's tactics to warrant a Tactical Debrief.

B. Unintentional Discharge

Prior to practicing manipulations with his police rifle, Officer A stated that he verified the condition of the rifle by confirming there was no magazine in the magazine well and racking the charging handle multiple times. Officer A then visually verified that the rifle was free of live ammunition. Once he was satisfied that the rifle was not loaded, Officer A went to the living room to practice for the upcoming manipulations

test, utilizing the provided dummy rounds. Officer A practiced speed reloading, tactical reloading and malfunction clearance with the dummy rounds. During the course of his practice, which included approximately 30 trigger presses and several magazine changes prior to the unintentional discharge, Officer A discharged a live round on his final trigger press.

A post-incident inspection of Officer A's rifle was conducted by Department Armory personnel, who determined the rifle functioned as designed with all safeties operational. The investigation revealed no supporting evidence that the discharge was caused by any other factor other than Officer A's negligence.

The BOPC evaluated the circumstances relevant to Officer A's unintentional discharge and determined that his actions were negligent in nature and warrant a finding of administrative disapproval, negligent discharge.