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

NON-TACTICAL UNINTENTIONAL DISCHARGE – 028-15

Division Date Duty-On () Off (X) Uniform-Yes () No (X)

Outside City 4/1/15

Officer(s) Involved in Use of Force Length of Service

Officer A 17 years, 10 months

Reason for Police Contact

Officer A was attempting to dry fire his weapon, which he believed was unloaded. Officer A pulled the trigger and discharged one round, resulting in an Unintentional Discharge (UD).

Suspect(s) Deceased () Wounded () Non-Hit ()

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 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 October 20, 2015.
Incident Summary

Officer A was seated at his dining room table when he removed his firearm from its gun case. Officer A, believing that his firearm was unloaded, pointed the firearm and pulled the trigger. The firearm discharged one round impacting the interior hallway wall approximately 15 feet away from where Officer A was seated. Officer A notified the on-duty Watch Commander who responded to the scene.

The fired projectile did not exit the wall and was not recovered. One expended cartridge casing was recovered and booked as evidence. The firearm was in a slide-lock position, with no magazine in the weapon. All three magazines belonging to this firearm were inspected and determined to be empty. The position of the casing, along with the fired bullet trajectory and impact, are consistent with Officer A’s statement.

Prior to this incident, Officer A had taken this firearm to a gun range and fired the weapon. When Officer A finished shooting, he believed his weapon was empty and placed it into the gun case. The firearm was stored in the gun case until the date of this incident.

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 and Exhibiting of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). In this incident, none of the involved officers drew their duty weapons. Therefore, there were no findings for Drawing and Exhibiting of a firearm. 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, 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 (UD) 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 attend a Tactical Debrief. Therefore, the BOPC determined that it would be appropriate to recommend a tactics finding. Officer A was to attend a Tactical Debrief that was to include discussions pertaining to firearm safety rules and operating procedures.

- The BOPC additionally considered the following:

  1. Outside Agency Occurrence

     It is the responsibility of the employee to contact the local law enforcement agency having jurisdiction and inform that agency of the circumstances surrounding the incident and request a report.

  2. Conducting Safety Check

     After firing the firearm at the gun range, a firearms safety check should have been conducted to determine whether the firearm was loaded or unloaded. A safety check, including a chamber check, should have also been performed when the firearm was taken out of the gun case and holster.

     These topics will be discussed at the Tactical Debrief.

B. Unintentional Discharge

- Officer A – (pistol, one round)

  Officer A removed his firearm from its holster and held the weapon straight out in front of him. Believing the firearm was unloaded, with the intent of dry firing the weapon, he pulled the trigger, which discharged one round into an interior wall of his residence.

  Based on the totality of the circumstances, the BOPC concluded Officer A’s actions, resulting in the Unintentional Discharge (UD), were due to operator error. Officer A’s action violated the Department’s Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge.