

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

**NON-TACTICAL UNINTENTIONAL DISCHARGE – 061-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X) Off( )</u></b>	<b><u>Uniform-Yes( ) No(X)</u></b>
Mission	06/25/07		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Police Officer A	7 year, 5 months

**Reason for Police Contact**

Officer A was on duty and participating in a training exercise.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Does not apply.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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 and addenda items); the 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. 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 and for ease of reference, masculine pronouns (he, his, and him) are used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on May 20, 2008.

**Incident Summary**

Police Officers A and B were assigned to train recruits in live fire exercises and tactics associated with "clearing" stairways. When the officers concluded live fire exercises with the recruits, they went to the tactics office to retrieve two inert pistols to conduct a stairway clearing exercise. The officers were unable to locate the inert pistols, so the officers retrieved two Airsoft pistols. The officers then walked with the Airsoft pistols in their hands to a stairway to prepare for the stairway clearing exercise.

When the officers reached the stairway where they planned to conduct the exercise, Officer A pointed what he believed to be an Airsoft pistol downward and pulled the trigger, in order to determine if the gas operated slide of the Airsoft pistol was working

properly. Although Officer A believed he was pulling the trigger of an Airsoft pistol, he actually pulled the trigger of his service pistol. A round discharged from the pistol, striking Officer B.

Officer A immediately requested help and advised responding officers that an officer had been shot. When the RA arrived at scene, Officer B was transported to a hospital.

### **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/Holstering 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**

Does not apply.

#### **B. Drawing/Exhibiting/Holstering**

Does not apply.

#### **C. Unintentional Discharge**

The BOPC found Officer A's unintentional discharge to be negligent, warranting administrative disapproval.

### **Basis for Findings**

#### **A. Tactics**

Does not apply.

#### **B. Drawing/Exhibiting/Holstering**

Does not apply.

#### **C. Unintentional Discharge**

The BOPC noted that the unintentional discharge was due to operator error and that Officer A failed to adhere to the basic firearm safety rules while handling what he

thought to be a non-lethal weapon. Officer A pointed the weapon in the direction of Officer B prior to discharging it.

Further, safety protocols in place at the time of the incident directed that when a training officer took possession of an inert training weapon, the officer was lock away the officer's primary service weapon. Officer A did not lock away his primary service weapon.

The BOPC found that Officer A failed to adhere to the basic firearm safety rules and training safety protocols while handling what he thought was a training weapon. Accordingly, the BOPC found Officer A's unintentional discharge to be negligent, requiring administrative disapproval.