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**POLICE CONDUCT OVERSIGHT COMMISSION**  
Case Summary Data #1  
January 2018

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**OVERVIEW OF THE COMPLAINT**

Officer 1 responded to a police call during which he deployed his squad shotgun. After completing his duties at the call, Officer 1 was returning the shotgun to the squad ready condition when he accidentally discharged the shotgun. There were no injuries or damage to property as a result of the accidental discharge.

**ALLEGED VIOLATIONS**

1. MPD P&P §3-204 DUTY HANDGUNS: All sworn employees shall attend and pass annual firearms training required by the MN POST Board.
2. MPD P&P § 5-103 Use of Discretion: POLICE ACTION - LEGALLY JUSTIFIED: Officers must act within the limits of their authority as defined by law and judicial interpretation, thereby ensuring that the constitutional rights of individuals and the public are protected. All investigative detentions, pedestrian and vehicle stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause.
3. MPD P&P § 5-105 PROFESSIONAL CODE OF CONDUCT: Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

**COMPLAINT PROCESSING**

Upon receipt of the complaint, an intake investigation was conducted and the matter was subsequently brought before the Joint Supervisors for intake review. Upon review of the complaint, the Joint Supervisors sent the matter to an investigation, and then to a panel review, which resulted in them finding merit. The officer was sent a letter of reprimand.

**EVIDENCE**

1. Complaint
2. Caprs Report
3. Statement of Officer
4. Investigatory Summary
5. Review Panel Recommendation
6. MPD Memorandum

**SUMMARY OF EVIDENCE**

Complaint: Complainant alleges that an officer accidentally discharged a shotgun while clearing and re-setting the gun.

Caprs Report: The report states a shotgun as discharged. In the first supplement, officer 1 contends that in the nature of the call, having the shotgun was advantageous. Officer 1 then went to his vehicle to clear the shotgun and make it squad ready. Officer 1 believed all the shells to be removed, aimed it at the ground, and pulled the trigger and it fired into the pavement. Officer 2 alleges that the incident was an accidental discharge of the weapon, in which officer 1 was not

under the influence of any alcohol or drugs and that there was no need to check for a possible malfunction of the shotgun.

Statement of Officer: The officer alleges that while he was making the squad ready again, a process that requires the officers to point the gun in a safe direction and pull the trigger, he didn't notice that there was still a shell in the shotgun, causing it to fire at the ground.

Investigatory Summary: The summary states that the MPD has a procedure for officers to follow when setting up a shotgun and making it squad ready, whether at the beginning of the shift or after deployment of the shotgun. A critical step of the procedure is to unload the shotgun of ammunition and to ensure the shotgun is unloaded. Ensuring the shotgun is unloaded can be achieved by a visual inspection in combination with a physical inspection of the chamber and magazine with a finger. Following the incident the officer completed additional training at the MPD range, which focused on shotgun handling, setup, and usage.

Review Panel Recommendation: The report shows that the panel found merit for MPD P&P § 5-105, in which the officer did not use reasonable judgement when handling the shotgun leading to the accidental discharge.

MPD Memorandum: The memo states that the discharge of a firearm, intentionally or negligently, must be considered as an extremely serious matter. Only under unique circumstances should it be considered a policy violation at less than a "B" level and consider something other than discipline. The memo recommends that the case be sustain a "B" level with a Letter of Reprimand, and that MPD P&P § 5-103 Use of Discretion would be the best fit.

## **REVIEW PANEL**

According to the review panel there was merit for violation of MPD P&P § 5-105 because the officer failed to ensure the shotgun was completely unloaded, which created an unsafe condition resulting in an accidental discharge. The officers' actions were unreasonable, and had the officer properly checked the chamber of his shotgun prior to pulling the trigger, the discharge would not have occurred. The officer admits his mistake and has received training to help prevent this from occurring again.

The officer was coached at a "A" level for MPD P&P §3-204 Duty Handguns, in which he attended re-training at the range in the days immediately following the incident. The officer received a Letter of Reprimand for violation of MPD P&P § 5-103 Use of Discretion.