

Incident Summary

Police Officers A, B, C, D, E and F responded to a radio call of a male threatening to kill himself or others at a residence.

The officers arrived and made contact with the owner of the property, Witness B, who called his tenant, Witness C and advised him to step out of the residence to speak to the officers. Witness C stepped out of the residence, and he was contacted by Officers A and F. Witness C told the officers that he didn't believe anyone else was in the residence, but there were weapons inside the location that belonged to him. The officers formulated a tactical plan to enter the location and clear the residence for any possible suspects or victims of a shooting.

Due to the type of radio call and the likelihood that a deadly force situation could arise from this incident, Officers A and F unholstered their pistols and entered the location first, with Officer F on point, followed by Officers C, D, and E.

Note: According to Officer E, he did not unholster his pistol because the officers in front of him had their pistols out, and he did not feel it would be safe to have his out.

The officers were clearing the residence, they approached the first closed bedroom door and believed that they could hear someone inside the bedroom.

Officer D verbally announced, "Los Angeles Police Department," and instructed the occupant(s) to come out. The Subject of this call walked out of the first bedroom and Officer D conducted a pat-down search, while Officer C handcuffed him. Officer A told Officer F that they had the Subject in custody.

Officers A and D finished clearing the bedroom while Officers E and F continued down the hallway into an adjacent bathroom. Officer E stated that he unholstered his pistol because he was going to assist with clearing the bathroom and last bedroom.

As Officers E and F entered the bedroom, Officer F directed Officer E to clear the left side of the room and the bed, while he remained at his position monitoring the closet door. Officer E held his pistol with two hands, finger along the frame. Officer E looked down and noticed that the frame of the bed looked small and that the bed might be light. In order to clear it, Officer E brought his pistol in to a close-contact position, lowered himself while he had the barrel pointed down in order not to cover his left hand. Officer E used his left hand to pick up the bed in order to clear it, when he inadvertently placed his finger on the trigger and discharged a single gunshot into the floor.

Nobody was injured as a result of the gunshot.

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). 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 E's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Officer E's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

The BOPC found Officer E's Unintentional Discharge to be negligent.

Basis for Findings

A. Tactics

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

1. Tactical Communications

Officer E did not communicate his intentions of searching underneath the bed with Officer F.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety through their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer E's inability to effectively communicate with his partner during the operation placed the officers at a tactical disadvantage and unnecessarily jeopardized the safety of all the officers involved in this incident.

Based on the totality of the circumstances, the BOPC determined that Officer E's lack of communication in this circumstance was a substantial deviation, without justification from approved Department tactical training.

2. Contact and Cover

Officer E did not wait for assistance before attempting to search underneath the bed.

Officers are trained to utilize the concept of contact and cover in which one officer searches while the other provides cover. Operational success is based on the proper assumption of contact and cover roles during contacts with the public as well as searching in an effort to maintain the tactical advantage.

In this case, Officers E and F were conducting a search of a bedroom for any additional Subjects or victims. The officers knew that there were weapons in the house and that the Subject threatened to kill himself and other people.

While searching the bedroom, Officer E decided to search underneath a bed on his own while simultaneously holding his service pistol, without the benefit of a cover officer, placing him at a significant tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officer E's actions in this circumstance were a substantial deviation, without justification from approved Department tactical training.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officer E's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- Officer E responded to assist patrol officers on a radio call for a man with a gun. Aware that firearms were inside a location that had not been cleared, Officer E drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer E, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found that Officer E's drawing and exhibiting of a firearm to be in policy.

C. Unintentional Discharge

- Officer E – (pistol, one round)

According to Officer E, he transitioned his service pistol into a modified close-contact position with the muzzle of his gun pointed towards the ground. As he reached underneath the ledge of the bed and gripped the bed with the intent of searching underneath it, his right hand simultaneously clenched his service pistol and his finger was placed on the trigger, which caused one round to discharge from his service pistol.

Upon reviewing the evidence, the BOPC determined that the TUD was the result of operator error after Officer E gripped his service pistol with one hand and his finger was placed on the trigger, resulting in the unintentional discharge.