

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

LAW ENFORCEMENT-RELATED INJURY/HEAD-STRIKE WITH AN IMPACT WEAPON 028-20

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

Wilshire 5/30/20

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

Officer I 3 years, 8 months
Officer J 18 years, 1 month

Reason for Police Contact

On Saturday, May 30, 2020, at approximately 1909 hours, officers were assigned to Mobile Field Force (MFF) to assist with the Pan Pacific Park Protest. At the intersection of Beverly Boulevard and Curson Avenue, an individual in the crowd of protesters was struck on the forehead area with a less-lethal munition and another individual was struck on the lip and nose area with a less-lethal munition, resulting in injuries to both.

Subject(s) Deceased () Wounded (X) Non-Hit ()

Subject 1: Male, 24 years of age.
Subject 2: Female, 32 years of age.

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 subject 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 Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on May 11, 2021.

Incident Summary

On May 25, 2020, the incident that resulted in the death of George Floyd in Minneapolis, Minnesota, was captured on video and quickly disseminated throughout the United States via various media sources, including social media. After the release of the video, protests and civil unrest occurred throughout various cities throughout the country, including the City of Los Angeles. Incidents of civil unrest occurred throughout the City of Los Angeles between May 28, 2020, and May 30, 2020.

On May 29, 2020, protests occurred in Central and West Bureaus, that escalated into civil unrest. Acts of violence, vandalism and looting occurred at numerous locations through the night and continued until the early morning hours of May 30, 2020.

On May 30, 2020, the Los Angeles Police Department (LAPD) was mobilized to manage the protests and subsequent civil unrest occurring in the city. Part of the mobilization included officers who were assigned to Mobile Field Force (MFF) squads. These squads were used in part, to manage issues related to crowd control and public safety. Additionally, Metropolitan Division deployed Tactical Support Elements (TSE) to assist the MFF squads.

Deputy Chief A set up a Command Post (CP) to monitor vital facilities, public safety, and manage Department resources in anticipation of the current events unfolding in the City of Los Angeles.

A Black Lives Matter (BLM) protest event was advertised on various social media outlets. The event was scheduled for May 30, 2020, identifying the Pan Pacific Park, located at 7600 Beverly Boulevard as the gathering location for the protest. Between May 27, 2020 and May 28, 2020, during BLM events, in various cities across the country, incidents of civil unrest, riots, arson, and looting occurred.

An Event Action Plan was prepared to manage the local events with the objectives of:

- Protecting life, property, and vital facilities;
- Providing safe and secure arrival, procession, and departure for participants;
- Establishing a visible, crowd-friendly law enforcement posture and contacting the formal leaders or the event organizers (if possible);
- Facilitating the peaceful and lawful expression of Constitutional Rights;
- Anticipating actions when possible and taking appropriate action related to criminal activity, specifically involving violence or property damage.

According to Commander A, he/she and Deputy Chief A reviewed and approved the Event Action Plan. Commander A further stated, that based on the intelligence that was available to that date, command staff officers believed that necessary resources were dedicated to the event.

Captain A was the Incident Commander (IC), for the Pan Pacific Park Protest event. A Command Post (CP) was set up at the Wilshire Area Station and a staging area was set up on the CBS Studios to manage the protest event.

According to Captain A, the social media advertisement for the protest provided no information about the size or intent of the protest.

According to Captain A, Captain B went to the Pan Pacific Park at approximately 1100 hours, to initiate a line of communication with the event organizers to facilitate event safety; however, no event leaders or organizers could be located or identified. At approximately 1200 hours, a crowd of approximately 2000 people had gathered at the Pan Pacific Park. The protest started with individuals addressing the crowd with bull horns, and making speeches and public comment. As the protest was underway additional groups of protesters marched toward the Pan Pacific Park from other nearby locations and from various directions, causing the protest attendance to rapidly grow in size. According to Captain A, at approximately 1230 hours, a crowd of approximately 1,500 protesters exited the south side of the park and marched west on 3rd Street. A group of several hundred protesters exited the north side of the park and marched west on Beverly Boulevard. When the protesters arrived at the intersection of Fairfax Avenue and 3rd Street, they took over the intersection, blocking vehicle traffic, as members of the protest addressed the crowd and made speeches via bullhorn.

According to Captain A, he/she had gone to the staging area at CBS Studios and while he/she was there the protest quickly turned into a march. Due to the volume of pedestrians and traffic congestion caused by the protest in the Fairfax District, he/she made the decision to remain at staging to maintain situational awareness. According to Captain A, the protest crowd at 3rd Street and Fairfax Avenue had quickly grown to approximately 3,500 people and continued to grow in attendance.

At approximately 1350 hours, a MFF squad responded from the CP to the intersection of Fairfax Avenue and Beverly Boulevard to divert vehicle traffic from going south on Fairfax Avenue toward the protesters in the intersection of Fairfax Avenue and 3rd Street.

At the same time, a group of protesters splintered away from the intersection of 3rd Street and Fairfax Avenue and walked west. Members of that group came upon and encircled a Metropolitan Transportation Authority (MTA) public bus stopped on 3rd Street. The bus had patrons on board as individuals from within the march began to vandalize the bus, smashing out the windows and spray-painting graffiti on it.

According to Captain A, he/she directed all available Wilshire Division personnel to respond to the staging area for reassignment to MFF and requested additional resources.

At 1356 hours, Air Support Division (ASD) Pilot, Police Officer A, and Tactical Flight Officer (TFO), Police Officer B, were overhead of the MTA bus and observed protesters

smashing the windows of the MTA bus with patrons on board. The Air Unit made a radio broadcast request to the CP for a MFF to respond to rescue the occupants from the bus.

A MFF squad responded from the CP staging area to rescue the occupants on the bus and assist with clearing the bus from the intersection. According to Captain A, the MFF that was assigned to the protest was not a fully staffed MFF squad, as a result of resources that were depleted from the civil unrest on the previous day.

The MFF travelled west on 3rd Street to get to the bus, when they were confronted by protesters marching westbound, in the area of 3rd Street and Edinburgh Avenue. At approximately the same time, another group of approximately 300 protesters marched east on 3rd Street from La Cienega Boulevard toward Edinburgh Avenue. According to Captain A, the groups of protesters encircled the officers and began to assault the officers with bottles.

As a result of the officers being assaulted by the protestors, the CP sent a TSE MFF to rescue the officers from the crowd. As the TSE MFF arrived in the area of 3rd Street they were also confronted by the protesters. The confrontation escalated when individuals in the crowd vandalized the patrol cars and set several of the police cars on fire.

At 1434 hours, Captain A approved the MFF Squads' use of less-lethal munitions. A broadcast notification of the less-lethal approval was made over a tactical channel.

According to Commander A, he/she responded to the area of 3rd Street and Fairfax Avenue to manage the incident and resources. Deputy Chief A responded to the CBS Studios and assumed the role of IC.

At approximately 1430 hours, a group of protesters marching west on Beverly Boulevard from the area of the Pan Pacific Park, arrived at Fairfax Avenue, where they encountered the squad of officers holding traffic at the intersection of Fairfax Avenue. The squad of officers stopped all vehicle traffic to allow the march to pass through the intersection. According to Captain A, that squad was staged at the intersection to stop vehicle traffic and allow the protesters egress through the area.

At approximately 1435 hours, the protesters on Beverly Boulevard stopped in the intersection of Fairfax Avenue and began to focus their attention on the officers. As the crowd in the intersection continued to grow in size, the officers became encircled by the protesters on the southeast corner of the intersection. As the protesters confronted the officers, several police vehicles were vandalized with spray paint, several windows were shattered, and the vehicle tires were slashed. The crowd proceeded to set two of the police vehicles on fire at that location. Due to the crowds' escalating aggression, the MFF squad loaded into their vehicles and left the intersection.

According to Commander A, a command staff meeting was held that included the Chief of Police, Deputy Chief A, and Deputy Chief B. A plan was created to utilize MFF resources to disperse the protesters from the Fairfax District, utilizing major thoroughfare as egress points for the protesters to leave the area. The IC designated the boundaries for the unlawful assembly and dispersal order from Melrose Avenue to the north, La Brea Boulevard to the east, 3rd Street to the south, and La Cienega Boulevard to the west; advising that anyone in those areas were subject to arrest.

At approximately 1451 hours, Police Officer C announced the dispersal order over the Public Address system (PA) of a police vehicle at the intersection of 3rd Street and Fairfax Avenue.

When the protesters did not comply with the dispersal order, MFF squads formed skirmish lines across Fairfax Avenue and 3rd Street. Simultaneously, movement of the crowd was initiated north on Fairfax Avenue and east on 3rd Street. The MFF squads facilitated the movement of protesters away from the area of 3rd Street and Fairfax Avenue out of the Fairfax District as follows:

On the south boundary of 3rd Street, protesters were moved west to La Cienega Boulevard and east to Gardner Avenue. On Fairfax Avenue, the protesters were moved north to the boundary of Melrose Avenue. On Beverly Boulevard, protesters were moved west to La Cienega Boulevard and east to La Brea Boulevard. Throughout the various dispersal routes and movements, the protesters refused to comply with the dispersal orders and assaulted officers on each of the skirmish lines by throwing rocks, bottles and commercial grade fireworks at officers. As the crowds of protestors eventually dissipated along the various dispersal routes, containment of the area was established; and resources were redeployed to other incidents. As MFF assets arrived at the CP, they were identified and deployed to major thoroughfares and facilitated the dispersal of protesters from the area.

According to Commander A, there were multiple dispersal orders given throughout the afternoon.

At 1500 hours, the West Bureau CP contacted the Department Operations Center (DOC) and requested the response of two Los Angeles Sheriff's Department (LASD) custody transportation buses to the staging area in preparation for mass arrests resulting from the civil unrest.

As the afternoon went on, the protests escalated into violence, vandalism, looting, and arson at numerous locations in West Bureau. The Wilshire CP requested the response of additional MMF squads from all LAPD Bureaus to assist with the civil unrest in the Fairfax District.

Due to the civil unrest, a local emergency was declared by the Mayor of the City of Los Angeles. The Mayor also issued an order setting a curfew that was disseminated to the public through all local and social media outlets.

At approximately 1615 hours, a group of protesters confronted officers at the intersection of Beverly Boulevard and Fairfax Avenue. Protesters utilized metal trash dumpsters as barricades to advance on the officers holding a skirmish line on the east side of the intersection. An individual identified as Subject 1 was among that crowd and was observed on video to be involved in the confrontation with officers at scene. The video captured Subject 1 and others pushing a metal trash dumpster into the intersection of Beverly Boulevard and Fairfax Avenue.

Instigators in the crowd used bullhorns to incite protesters to engage officers. Subject 1 was depicted on video directing additional people to push dumpsters toward the intersection. Simultaneously, numerous individuals in the crowd threw rocks and bottles at the officers on the skirmish line. The officers entered their police vehicles and redeployed from the intersection.

At approximately 1625 hours, the protesters overtook the intersection and advanced east on Beverly Boulevard to the Genesee Avenue entrance gate of CBS Studios. As the protesters gathered near the entrance to CBS Studios, they observed LAPD officers gathered in the CP staging area and began throwing objects over the perimeter fence of the property at the officers. Individuals in the crowd were depicted on video armed with miscellaneous objects observed to include a sledgehammer and metal pipes.

At 1630 hours, Subject 1 is depicted on video as he arrives at the entrance to the CBS studios. Subject 1 momentarily directed his attention on the officers and then began summoning additional individuals to the location. Subject 1 raised his hand above his head, waving it forward and backward from the direction of the street toward the gates. Subject 1 joined several males and assisted with pushing a metal trash dumpster toward the security gates of CBS Studios. Unidentified individuals in the crowd then utilized the dumpster as a battering ram to breach the gate.

Several MFF squads responded from the CP staging area to Genesee Avenue and Beverly Boulevard and moved the crowd off the property and out of the intersection to allow ingress and egress from the CP. As officers held skirmish lines at the intersection, additional officers moved the crowd west toward Fairfax Avenue.

At approximately 1645 hours, an LASD MFF arrived at the Genesee Avenue entrance of CBS Studios. According to Captain A, an unknown LASD Lieutenant arrived at the CP and requested to provide aid. According to Captain A, he/she requested that the LASD MFF provide security on the northern perimeter of the CP and clear Beverly Boulevard. The LASD MFF formed skirmish lines and moved the crowd east from Genesee Avenue to allow ingress and egress from the CP. As the LASD MFF held the north perimeter of the CP with a skirmish line at Beverly Boulevard and Spaulding Avenue, they were confronted by the protesters. The protesters assaulted deputies with rocks, bottles, and fireworks. The LASD MFF utilized less-lethal munitions, consisting of 40mm launchers, Pepper Ball guns, Oleoresin Capsicum (OC) canisters, Sting ball grenades and Chlorobenzalmalononitrile (CS) gas to disperse the hostile crowd.

According to Captain A, he/she was unaware that the LASD MFF deployed CS gas or Sting ball grenades. According to Commander A, he/she was unaware that the LASD MFF deployed CS gas.

The LASD MMF moved the crowd east on Beverly Boulevard and held security lines west of Stanley Avenue. Between the hours of 1645 and 1800, LASD held that skirmish line on Beverly Boulevard. During the standoff with protestors, LASD deputies fired less-lethal munitions and deployed tear gas at the protestors. As the less-lethal and gas was deployed, the protestors backed away from the deputies and returned after the gas dissipated. The protestors would again advance on the deputies' skirmish line, throwing rocks and water bottles at them.

LAPD personnel did not deploy tear gas for crowd control or during the civil unrest incidents.

As LASD MFF held the skirmish line on Beverly Boulevard, a squad of deputies cleared the east/west alley, north of Beverly Boulevard from Spaulding Avenue to Stanley Avenue. Several deputies gained access to the roof of the Etz Jacob Congregation, Synagogue. The synagogue is located at 7659 Beverly Boulevard; on the northwest corner of Beverly Avenue and Stanley Avenue. The deputies positioned on the roof fired less-lethal pepper balls at the protestors in the intersection at Stanley Avenue and Beverly Boulevard.

At 1730 hours Deputy Chief B gave another dispersal order at Fairfax Avenue and Beverly Boulevard. Police Officer D repeated the dispersal order in Spanish over the PA system. The dispersal order identified the boundaries as Melrose Avenue to the north, La Brea Boulevard to the east, 3rd Street to the south, and La Cienega Boulevard to the west. During the announcement of the dispersal order, the protestors were advised that anyone in those areas was subject to arrest.

At approximately 1800 hours, an OWB MFF squad arrived at the CP. According to Sergeant A, he/she was briefed at the CP and advised that dispersal orders had been given and the use of less-lethal munitions had been authorized. That MFF squad was directed to assist Metropolitan Division TSE MFF with less-lethal support. According to Sergeant A, he/she briefed his/her MFF squad and stood by at the CP staging for deployment.

As the LASD MFF was holding the skirmish line on Beverly Boulevard west of Stanley Avenue, the protestors blocked the intersection with metal trash dumpsters. Protestors utilized the dumpsters as shields while they continued throwing rocks and bottles at the deputies.

An Operations Valley Bureau (OVB) MFF squad responded to Beverly Boulevard and Stanley Avenue to assist with the dispersal of the crowd. Upon arrival, the MFF squad

set up a skirmish line east of the LASD skirmish line, which allowed the LASD MFF to fall in behind LAPD resources.

At 1807 hours, a MFF Squad Leader, Sergeant B, broadcast on Tactical Channel 42, "Airship we are taking over from the Sheriff's on Beverly east of Spaulding." Sergeant B also broadcast a request for additional resources, to address the hostile crowd. The Air Unit advised there were no resources available and requested the LASD MFF to stay there to assist. As the LAPD and LASD MFFs held the skirmish line across Beverly Boulevard west of Stanley Avenue, the protesters continued to throw rocks, bottles, and fireworks at officers. Subject 1 and several unidentified protesters were captured on video kneeling in front of the skirmish line directly in front of officers as many of the protestors gathered near or behind the trash dumpsters near the intersection of Beverly Boulevard and Stanley Avenue. Deputies and officers on the skirmish line fired less-lethal munitions, at protestors who threw rocks and bottles at them as well as fireworks. As the less-lethal munitions were fired, the protestors reacted and briefly ran away from the area. The protestors would return to the intersection and then utilize dumpsters as barricades to get within close proximity of officers and deputies, to resume their confrontation.

MFF squads moved the skirmish line east on Beverly Boulevard to the intersection of Stanley Avenue to clear the crowd and move the trash dumpsters. As the squads moved forward, the officers repeatedly gave the commands to, "Leave the area." After the intersection was cleared, the MFF squads moved back slightly west of Stanley to hold the Northern CP security line.

At 1830 hours, Sergeant B broadcast another request for additional resources, advising that the protesters on Beverly Boulevard were throwing rocks and bottles at officers.

At 1836 hours, LASD MFF personnel broadcast on LAPD Tactical Channel 42 that protesters were lighting fires on Beverly Boulevard and Stanley Avenue.

At 1840 hours another unit from Air Support Division, staffed by Pilot Police Officer E and TFO Police Officer F, arrived overhead of the Pan Pacific Park and provided aerial support to the MFF squads working skirmish lines to the north of the park on Beverly Boulevard and to the south of the park on 3rd Street.

At 1840 hours LASD MFF again broadcast that protesters were lighting trash bins on fire, pushing the dumpsters at officers, and requested that LAFD respond to put the fires out.

According to Subject 2, at approximately 1845 hours, she parked her car in the area of Citrus Avenue, walked approximately one mile west on Beverly Boulevard; where she located the protest in the area of the post office on the 7600 block of Beverly Boulevard. Subject 2 stated that when she arrived, the scene was chaotic, and people appeared to be reacting to the effects of tear gas. She stated that the police were lined up across Beverly Boulevard at Stanley Avenue, as people threw water bottles at officers and

police threw canisters of gas. Subject 2 further stated that the crowd would run away, the gas would dissipate, and the crowd would gather again. According to Subject 2, she was aware that a curfew order had been announced for 8:00 PM.

At 1847 hours, OVB MFF Sergeant C made a radio broadcast, "We are at Beverly and Stanley we are taking Molotov cocktails, do not send any cars south on Stanley Avenue".

At 1849 hours, an Air Unit broadcast to the CP that there was a large crowd at Beverly and Stanley and requested additional MFF squads to keep pushing the crowd east. At that time, Sergeant C broadcast to the Air Unit that they had information the suspects were making Molotov cocktails at Beverly and Stanley and advised the suspect was wearing a blue New York Yankee's ball cap.

At 1850 hours, Sergeant C broadcast a request for a resupply of Beanbag and 40mm less-lethal munitions at Beverly Boulevard and Stanley Avenue.

At 1853 hours, Air 16 broadcast a request to the CP to send additional MMF squads to Beverly Boulevard and Stanley Avenue for a large crowd and advised that officers were still taking rocks and bottles, with numerous dumpsters on fire in the area.

At 1855 hours, LASD broadcast that they were taking rocks and bottles at Beverly Boulevard and Stanley Avenue.

At 1900 hours, another MFF Squad arrived at Beverly Boulevard, west of Stanley Avenue and responded to the skirmish line to assist with clearing the crowd. According to Sergeant D, he/she heard the Air Unit requesting help for units at Beverly Boulevard and Stanley Avenue, so his/her squad responded with emergency lights and siren (Code Three).

Officer E's BWV, bearing the time stamp 02:01:00, depicts his/her arrival to Beverly Boulevard. Officer E can be heard warning Sergeant D of firecrackers that had been thrown at the officers. Simultaneously, a large firework was visible in the background, as it explodes at the feet of the officers on the east facing skirmish line.

According to Sergeant D, many of his/her officers had already been struck with objects thrown at them by protestors. One officer sustained a broken leg as a result of the protestors actions. Upon arrival at Beverly Boulevard and Stanley Avenue, the skirmish line was under attack from hostile crowds to the east on Beverly Boulevard and another smaller hostile crowd to the north on Stanley Avenue. The skirmish line was at a standstill due to the lack of personnel for blocking forces, and the depletion of less-lethal munitions. Sergeant D further stated, he/she did not want the officers to get injured and their only defense at the time was less-lethal munitions. Moving the skirmish line to the east side of the intersection would cause the protestors to move back and create a gap of distance between the protestors and the officers out of range of the rocks and bottles that were being thrown.

Sergeant D met with Sergeant B and briefly coordinated a plan to push the skirmish line east of the intersection and set a blocking force across Stanley Avenue facing the protesters who were north of the intersection. Sergeant D directed the officers assigned to his/her squad to conduct a crossbow left maneuver and a north facing skirmish line was set up across Stanley Avenue. The skirmish line on Beverly Boulevard moved east and the protesters backed away from the officers east to mid-block on Beverly Boulevard, between Stanley Avenue and Curson Avenue. According to Sergeant D, he/she directed officers to fire less-lethal munitions at the violent protesters, because they were throwing objects at officers.

At 1900 hours, Sergeant A was deployed by the CP to the intersection of Beverly Boulevard and Stanley Avenue. Sergeant A called the MFF squad to a column of two formation and led the squad from the CP out of the Genesee Avenue Gate of CBS Studios and east on Beverly Boulevard.

At 1901 hours, Police Officer H was standing on the skirmish line facing the protesters on Beverly Boulevard east of Stanley Avenue. Officer H's Body Worn Video (BWV) depicted Subject 1 standing in the roadway, near the north/south crosswalk, on the west side of the intersection between the skirmish line and the group of protesters. The BWV depicts Subject 1 appearing to react to an impact from a less-lethal munition strike. Subject 1 placed his hands over his stomach area and fell to the ground. Subject 1 then stood up with his hands clenched over his stomach area, and was bent over at the waist, while he slowly raised and lowered his torso. Officer H's BWV camera did not capture who fired the less-lethal round that struck Subject 1.

A drone equipped with a video camera was flying overhead and captured the events unfolding on Beverly Boulevard. The drone was a non-LAPD, privately owned device. The drone later crashed and footage recorded by its camera was recovered by investigators after a search warrant was obtained.

As the drone was piloted in a westerly direction, the camera captured an overhead view of Subject 1 as he appeared to react to the less-lethal impact to his abdomen that was captured on Officer H's BWV camera.

Shortly after that, a Los Angeles City Fire Department (LAFD) battalion and LAPD Motor squad were traveling west on Beverly Boulevard in route to fires burning in and around the Fairfax District. As the LAFD battalion and LAPD Motor squad passed through the protesters, they were targeted by protestors who threw rocks and bottles at them.

The skirmish line moved forward to the east side of the intersection at Beverly Boulevard and Stanley Avenue to assist the LAFD battalion and Motor squad navigate their way through the area. As the skirmish line moved the crowd back, the LAFD Battalion and LAPD Motor Squad were able to pass through the intersection and turned south onto The Grove Drive.

The drone video captures images of Subject 1 as he appeared to react to the second impact from a less-lethal shot that occurred as the LAFD Battalion and LAPD squad turned onto The Grove Drive.

At 1903 hours, Officer H was standing on the skirmish line facing the protesters on Beverly Boulevard east of Stanley Avenue. Officer H's BWV captured images of Subject 1 as he appeared to react to the second less-lethal impact. Again, Subject 1 placed his hands over his stomach area and fell to the ground. Subject 1 stood back up, with his left arm draped across his stomach area, while slightly bent over at the waist and held his right arm up in the air above his head. Subject 1 continued to refuse to comply with the dispersal order and remained standing between the officers and the protesters that were throwing objects at officers. Officer H's BWV camera did not capture who fired the less-lethal shot that struck Subject 1.

As the drone flew west it captured a MFF squad in a column of two formations headed toward Beverly Boulevard and Stanley Avenue.

At 1903 hours, Sergeant D made a radio broadcast to the CP requesting less-lethal munitions consisting of 37mm, 40mm, and Beanbag rounds, be brought to Beverly Boulevard and Stanley Avenue.

At 1905 hours, the MFF squad led by Sergeant A arrived at Beverly Boulevard and Stanley Avenue. Assigned to the MFF were Police Officer I and Police Officer J. According to Officer I, upon arrival at Beverly Boulevard and Stanley Avenue, the scene was chaotic, people were throwing rocks and bottles at the officers, acting violently, and their actions showed that they were not going to comply in any form.

Sergeant D directed Sergeant A's squad to join the east facing skirmish line and start shooting less-lethal munitions. According to Sergeant D, the officers on the skirmish line were running out of less-lethal munitions and were vulnerable to the protesters' continuous attack; so he/she directed less-lethal deployment to drive the protesters back away from the skirmish line.

The drone hovered over Beverly Boulevard momentarily and then was piloted east, back toward the intersection of Beverly Boulevard and Stanley Avenue. The drone video depicted images of Subject 1 and Subject 2 standing in the street, with their hands raised above their heads; as fireworks exploded just north of their location. As the crowd reacted to the explosion and moved away, a third explosion occurred. Subject 1 and Subject 2 moved toward the south curb, briefly and then walked back into the middle of the street. A fourth explosion happened directly in front of Subject 1, causing him to turn away, facing south, and shield his face. Subject 2 appeared to react to the explosion and stepped backward away from the area, while continuing to hold her hands raised above her head. The drone captured another MFF squad join the skirmish line.

At 1905 hours, Officer I took a position on the skirmish line in the area of the west bound No. 2 traffic lane. Officer I deployed a Beanbag shotgun, which was shouldered and in a low-ready position facing east toward the crowd of protesters.

Simultaneously, Officer J took a position near the center of the roadway, to the right of the west bound left turn lane divider line. Officer J deployed a 40mm less-lethal launcher, which was shouldered and held at a low-ready position pointed toward the crowd.

According to Officer I, he/she checked the Beanbag shotgun out from the Kit Room at the start of his/her watch. At that time, he/she inspected the shotgun and observed that the sights were securely attached to the shotgun.

According to Officer I, he/she had been briefed by Sergeant A, that a dispersal order had been given, and there was no need to give a less-lethal warning to individuals if they met the requirement for the deployment of less-lethal tools .

According to Sergeant D, it was not feasible for officers to give a use of force warning, prior to less-lethal use because the officers were in the process of being assaulted.

According to Officer I, he/she scanned the crowd for individuals throwing glass bottles and rocks; things that could immediately cause serious bodily injury to the officers. Officer I had a vague memory of the people he/she aimed and fired at; he/she could not specifically recall each of them. Officer I believed he/she struck people with the Less-lethal munitions he/she fired, because he/she saw individuals react and run away. Officer I further stated that he/she did not have contact with any of those persons and did not make any arrest of those individuals.

On Officer I's BWV, bearing the time stamp 02:05:08, he/she can be heard stating, "Beanbag," as he/she announced to the officers in the immediate area his/her intention to fire the Beanbag shotgun. At that time, Subject 1 was visible on Officer I's BWV camera in frame, standing on the double yellow lane divider line of Beverly Boulevard, approximately twelve feet south of Officer I. Officer I's BWV captured an explosion of unknown device that occurred directly in front of Subject 1, the smoke from the devices temporally concealed Subject 1 from view of the BWV camera.

Officer I's BWV, bearing time stamp 02:05:11, depicted the moment he/she fired one Super-Sock, Beanbag round in an easterly direction. Officer I racked the action on the Beanbag shotgun and cycled another round into the chamber. Officer I lowered and held the Beanbag shotgun at a low-ready position. As the smoke from the explosion cleared, Subject 1 was visible on BWV, with his right hand in front of his face and his left hand in front of his groin, and he did not appear to have been struck by Officer I's shot. Officer I's BWV camera did not provide a clear image of the shot impact and or if it struck anyone.

At the time the shot was fired, the distance between Officer I and the protesters was approximately 136 feet to 145 feet. Officer I's shot had been fired from a distance greater than the recommended deployment range for the Beanbag shotgun. The recommended deployment range for the Beanbag shotgun was 5 feet to 45 feet.

Immediately after the shot was fired, Subject 1 moved in a northerly direction and stood on the south side of the solid white lane divider line of the westbound left turn lane pocket. Subject 1 was standing on the south side of the line, and Officer I was positioned off set to the north of the same lane line. Officer I's BWV, bearing the time stamp 02:05:14, showed Subject 1 visible and standing with his hands covering his face and groin.

Officer I's BWV, bearing the time stamp 02:05:16, depicted Officer I standing just north of the solid white left turn lane divider line of Beverly Boulevard as he/she fired a second Super-Sock in an easterly direction. Officer I racked the action on the Beanbag shotgun, cycled another Super-Sock round into the chamber, and transitioned the Beanbag shotgun to a low-ready position.

Officer I's BWV camera lens was blocked by his/her arms as he/she shouldered the Beanbag shotgun. Officer I's BWV did not capture the impact of the Super-Sock.

Officer J's BWV, bearing the time stamp 02:05:17, depicted Subject 1 standing in front of the crowd, facing the officers still standing on the solid white lane divider line at the entrance of the westbound left turn lane, and Subject 1 did not appear to have been struck by Officer I's shot.

On Officer J's BWV, he/she could be heard stating, "40, 40 right next to you on your right," as he/she took a position on the skirmish line. According to Officer J, as he/she arrived on the skirmish line, he/she scanned the crowd to identify who was throwing items at the officers and anyone who posed a threat to the officers.

According to Officer J, he/she saw a male wearing black clothing with white print, moving in and out of the crowd making a throwing motion, and he/she intended to fire a 40mm eXact iMPact foam projectile at the male. Officer J stated, when he/she pressed the trigger, that he/she experienced a malfunction and the 40mm launcher did not fire. Officer J conducted a chamber check verifying that a round was loaded, came back on target, and experienced the same malfunction again. According to Officer J, he/she identified that the hammer on the launcher was hitting the face shield of his/her ballistic helmet, preventing the launcher from firing. Officer J adjusted his/her face shield and went back on target.

Officer J's BWV, bearing the time stamp 02:05:25, depicted him/her firing one 40mm projectile in an easterly direction. As that shot was fired, Officer J's BWV, depicted Subject 1 standing directly east of Officer J, facing the skirmish line. Immediately after

the 40mm launcher was fired, Subject 1 placed his hands over his stomach area and fell to the ground. Officer J's shot was fired from an approximate distance of 136 feet.

Officer J's shot was fired from a distance greater than the recommended deployment range. The recommended deployment range for the 40mm less-lethal launcher is 5 feet to 110 feet. Investigators' review of BWV and drone video noted that Subject 1 was approximately twenty feet west of the group of protesters on the street, between the officers and the protesters.

According to Officer J, he/she saw a male wearing black clothing with white graphics, going in and out of the middle of the crowd. He/she saw the male come out of the crowd a second time making a throwing motion. According to Officer J, he/she took aim at and targeted the naval area of the male in black running in and out of the middle of the group, directly in front of him/her; that he/she saw the man making throwing motions toward the skirmish line. According to Officer J, he/she did not target Subject 1 and did not know that the shot he/she fired had struck Subject 1.

Officer J's BWV, bearing the time stamp 02:05:33, depicted Subject 1 being assisted to his feet by an unidentified male. Subject 1 was walked toward a bus stop shelter on the south curb of Beverly Boulevard, west of Curson Avenue; out of view of Officer J's BWV camera.

According to Subject 1, he was shot in the ribs and the gentlemen next to him was shot in the chest. Subject 1 stated they both moved together to the side of the street and hid behind a bus stop sign.

Officer J reloaded the 40mm launcher, held it at a low-ready position, and continued to assess the crowd. Officer J's BWV depicted protesters rolling trash dumpsters toward officers, as rocks and bottles can be seen impacting the ground in front of the officers.

Officer K's BWV, bearing the time stamp 02:05:38, depicted him/her firing a 40mm foam projectile round in the direction of the dumpster. Officer K's BWV camera did not provide a clear view of where the projectile impacted.

On Officer L's BWV, bearing the time stamp 02:05:38, Officer L could be heard yelling a warning of, "dumpster," just before he/she fired a 40mm foam projectile in the direction of the dumpster. Officer L's BWV camera did not provide a clear view of where the projectile impacted.

The drone that was flying overhead captured video of Subject 1's reaction to being struck by Officer J's shot; Subject 2 was depicted standing approximately 15 feet behind Subject 1 as he fell to the ground. The drone video then captured images of several people in the crowd pushing a dumpster past Subject 2. Subject 2 was depicted moving to her left away from the trash dumpster as it rolled past her, while Subject 1 simultaneously walked toward the south curb. Subject 2 and additional people near her appeared to react to the less-lethal shots fired by Officers K and L at the individuals

pushing the dumpster, as she turned away and ran toward the south curb. The drone was then piloted toward the west and no longer provided a view of Beverly Boulevard, east of Stanley Avenue.

Officer I's BWV, bearing the time stamp 02:05:56, depicted him/her firing a third Super-Sock in an easterly direction toward the north curb of Beverly Boulevard. Officer I racked the action on the Beanbag shotgun, cycled another Super-Sock round into the chamber, and lowered the Beanbag shotgun to a low-ready position. Officer I's shot was fired from an approximate distance of 145 feet. Officer I's BWV did not capture images of the Super-Sock impact. As that Super-Sock was fired, Subject 1 was not visible on Officer I's BWV camera. Officer I's shot was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

According to Officer I, he/she scanned the crowd for individuals throwing glass, bottles, and rocks – things that could immediately cause serious bodily injury to the officers. Officer I had a vague memory of the people he/she aimed and fired at, but he/she could not specifically recall each of them. Officer I believed he/she struck people with the less-lethal munitions he/she fired, because he/she saw individuals react and run away. Officer I stated that he/she did not have contact with any of those persons and did not make any arrests of those individuals.

Officer I then conducted a chamber check, raised the barrel pointed up to a port arms position, and removed three rounds from the shotgun side saddle shell carrier and inserted them into the magazine tube. Officer I conducted another chamber check and lowered the Beanbag shotgun to a low-ready position.

At 1906 hours, Sergeant D made another radio broadcast request to the CP for a re-supply of less-lethal ammunition for officers at Beverly Boulevard and Stanley Avenue.

Officer K's BWV, bearing the time stamp 02:06:09, depicted Subject 1 as he walked north away from the bus shelter back onto the street, where he positioned himself in front of the protesters approximately 100 feet east of the skirmish line facing officers.

According to Subject 1, the male he was standing with behind the bus stop sign told him they should not go back out into the street. According to Subject 1, he thought that was boring, so he walked back out into the street with his hand raised above his head, which was when he was shot in the head.

Officer I's BWV, bearing the time Stamp 02:06:19, depicted Subject 1 standing on the solid white lane divider line of the westbound left turn pocket lane, with his right hand in front of his stomach and his left hand raised above his head. Subject 1 was positioned between the officers on the skirmish line and the protesters refusing to disperse.

At 1907 hours a Tactical Support Element (TSE) MFF arrived at The Grove Drive and Beverly Boulevard. The TSE MFF was comprised of three squads. Officers from the TSE squads deployed on the west side of the US Postal Office, located at the southeast

corner of The Grove Drive and Beverly Boulevard. Numerous protesters gathered in the parking lot were throwing rocks and bottles at the officers. The officers yelled repeated commands to "leave the area" as they fired less-lethal munitions at the individuals that were throwing objects at officers.

At 1909 hours, a squad of TSE officers conducted a crossbow center maneuver. The squad moved approximately ten yards east of the east crosswalk at Beverley Boulevard and Stanley Avenue and set a skirmish line across Beverly Boulevard mid-block between Stanley Avenue and Curson Avenue. Officer O's BWV bearing the time stamp 02:08:46, depicted the officers on the skirmish line giving numerous verbal commands to the crowd to, "leave the area."

As the skirmish line moved forward, the officers' BWV depicted the crowd continuously throwing rocks and bottles at the officers. Simultaneously, TSE supervisors yelled out commands for officers with less-lethal to join the skirmish line.

Officers I, J, K, and M moved forward to join the TSE MFF skirmish line. Simultaneously, two MFF squads joined together and formed up into a column of two formation. The two squads moved east behind the skirmish line in preparation to form a blocking force at Curson Avenue. Another MFF squad of officers arrived at Beverly Boulevard and replaced the squad lead by Sergeant D as a blocking force across Stanley Avenue facing north.

The LASD MFF squads remained at the Intersection of Beverly Boulevard and Stanley Avenue, as the TSE MFF squads formed the skirmish line and moved east.

As the TSE MFF skirmish line moved forward, Officer N was walking east along the south curb. On Officer N's BWV, Subject 1 and Subject 2 were depicted standing in the center of the roadway approximately 55 feet away. Officer N yelled the command, "leave the area." On Officer N's BWV, additional officers could be heard yelling the commands, "leave the area." As the TSE skirmish line moved forward, Subject 1 and Subject 2 were depicted on Officers N's BWV, slowly taking steps backward as the skirmish line moved forward. Subject 1 moved from the center of the street toward the south curb and took a position on the eastbound No. 1 and No. 2 lane divider line; facing the officers with his hands raised above his shoulders at head level.

As Officers I and J joined the TSE skirmish line, Officer I took a position on the street, west of Curson Avenue in the area of the east curb, and facing east toward the protesters, in front of Officer N. Officer I held the Beanbag shotgun at a low-ready position as he/she faced the protesters. Officer I's BWV depicted numerous officers who could be heard yelling repeated commands to, "Leave the area."

As Officer J joined the skirmish line, he/she took a position to the north of Officer I and yelled the command, "Leave the area."

According to Subject 2, she did not hear any orders given by the police. On Officers K, O, and J's BWV's, Subject 2 was depicted standing in the street with her hands raised above her head, approximately fifty feet away from the officers; as officers' repeated commands, "Leave the area" could be heard on the officers' video.

Officer I's BWV bearing the time Stamp 02:09:25, depicted Subject 1 standing on the street in the eastbound No. 2 traffic lane. Subject 1 placed himself between the skirmish line and the protesters, facing west toward the officers with his hands raised up above his shoulders at head level, refusing to comply with the dispersal order. At that same time, Subject 2 was depicted standing in the middle of the street on the white lane divider line of the westbound traffic lanes of Beverly Boulevard; approximately twelve feet north of Subject 1. Subject 2 was depicted standing facing the officers on the skirmish line, with her hands raised above her head refusing to comply with the officers' commands to, "Leave the area".

Officer I's BWV, bearing the time Stamp 02:09:28, depicted Officer I stop walking and firing a fourth Super-Sock round from the Beanbag shotgun in an easterly direction. Officer I racked the action on the Beanbag shotgun, cycled another round into the chamber, and lowered the Beanbag shotgun to a low-ready position, as he/she resumed moving east. The Beanbag shotgun was discharged from an approximate distance of 55 feet. Officer I's Super-Sock was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

On Officer I's BWV, immediately after the Super-Sock was fired, Subject 1 placed both of his hands on his head and fell to the ground.

According to Officer I, he/she did not have an independent memory of who he/she had fired his/her fourth Super-Sock round at. Officer I further stated after a review of the BWV with FID investigators, that his/her memory had been refreshed, and he/she remembered that he/she had seen a male holding a Mexican flag standing next to another male wearing black clothing who he/she observed making a throwing motion toward the officers. Officer I targeted the male wearing black clothing when he/she fired the shot. Officer I observed on the BWV that the male was positioned approximately 15 feet behind Subject 1 to the left. Officer I was unaware that the shot had struck Subject 1.

Officer N's BWV, bearing the time Stamp 02:09:29, provided an additional view of Officer I's fourth shot and J's second shot. Officer N's BWV captured the impact of Officer I's Super-Sock round as it struck Subject 1 on the head.

Officer J's BWV, bearing the time Stamp 02:09:29, depicted Officer J firing a second projectile from the 40mm launcher in an easterly direction. The 40mm foam projectile was fired from an approximate distance of 55 feet. Officer J's BWV camera did not provide a clear view of where the shot impacted. Officer J's shot was fired simultaneous to Officer I's fourth shot.

According to Officer J, he/she targeted an individual that was in the crowd, who was throwing objects. According to Officer J, he/she did not see Subject 1 fall to the ground. Officer J reloaded the 40mm launcher as he/she continued to walk forward. Officer J held the 40mm launcher at a low-ready position as he/she scanned left and right.

Officer I's BWV, bearing the time stamp 02:09:34, depicted two unidentified individuals assist Subject 1 to his feet, and all three ran in a southeast direction toward the Pan Pacific Park out of view of the officers' BWV cameras. As Officer I moved forward, he/she raised the barrel of the Beanbag shotgun pointed in a northeasterly direction toward the protesters.

Officer I's BWV, bearing the time stamp 02:09:40, depicted Officer I firing a fifth Super-Sock in a northeasterly direction, while walking toward Curson Avenue, where the crowd of protesters were located. Officer I racked the action of the Beanbag shotgun, cycled another Super-Sock round into the chamber, and lowered it to a low-ready position.

Officer I's BWV depicted Subject 2 wearing light colored pants and a black shirt, standing in the eastbound left turn lane pocket of Beverly Boulevard at Curson Avenue; just west of the crosswalk.

Immediately after Officer I fired the fifth Super-Sock round, Subject 2 reacted to the impact from the shot. Subject 2 placed both of her hands over her face, turned away from the officers, and ran north on Curson Avenue.

Officer J's BWV, bearing the time Stamp 02:09:40, provided an additional view of Officer I's fifth Super-Sock shot at the time that Subject 2 appears to have been struck on the face.

Officer I's fifth Super-Sock was fired from an approximate distance of 55 feet. Officer I's fifth Super-Sock was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

According to Officer I, he/she did not target Subject 2, nor did he/she know that the shot he fired had struck Subject 2.

Officer K's BWV, bearing the time Stamp 02:09:40, provided an additional view of Officer I's fifth shot at the time that Subject 2 appeared to have been struck on the face.

According to Subject 2, "I found myself in front of the lineup. And that's when I noticed that the police had kind of come in a formation, in a straight line, and then begun advancing. And so, at that point in time, it became chaotic, and everyone around me started to run and run away in the opposite direction of the advancing police. And I didn't want to lend to the chaos. So, I just put my hands up and started to back up slowly. I think keeping about the same pace as the officers that were approaching, and I remember getting hit in the stomach in like a fanny pack with a rubber bullet. And then

I still just kind of kept backing up. And then suddenly, it just felt out of nowhere, I was struck in the face. And I was kind of flung by the force of -- of the projectile and I didn't fall but I kind of stumbled to the side. And I -- I ran to the corner of I think Beverly and Curson. And I knew immediately that my nose was broken."

According to Subject 2, "I was found by a group of people who offered me a ride to the hospital. And they were interrupted by someone who by some miracle was parked right there, and he had me get into his car. And he drove me to Cedars-Sinai Hospital. And because of COVID, he had to drop me off and wasn't allowed in, and that's the last I saw or heard from him."

As the skirmish line moved forward toward Curson Avenue, numerous officers BWV, bearing the time stamps of 02:09:35 and 02:09:36 captured images of a firework exploding in the intersection as the officers approached.

Officer J's BWV, bearing the time stamp 02:09:56, depicted Officer J firing a third shot, from the 40mm launcher, while walking toward Curson Avenue. The shot was fired toward the southeast corner of Curson Avenue and Beverly Boulevard from an approximate distance of 91 feet. Officer J's BWV camera did not provide a clear view of where the shot impacted. According to Officer J, he/she observed a male in the crowd throwing objects and he/she targeted that male. After the shot was fired, he/she saw the male run toward a fence covered by a tarp on the south side of Beverly Boulevard. Officer J stated he/she targeted the male's navel area, but he/she did not see if the shot struck the male.

On Officer J's BWV, bearing the time stamp 02:09:58, TSE Sergeant E can be heard giving the command, "hold the line," as the skirmish line reached the west side of the intersection of Curson Avenue and Beverly Boulevard. Officer J reloaded the 40mm launcher and returned to a low-ready position. As that command was given, Officer I raised the Beanbag shotgun to a port arms position and removed two Super-Sock rounds from the side saddle carrier and inserted them into the magazine tube. Officer I conducted a chamber check and lowered the Beanbag shotgun to a low-ready position. On Officer I's BWV, numerous officers can be heard yelling the commands, "leave the area," as water bottles and rocks can be seen impacting the ground in the area of the officers.

A blocking force consisting of two squads conducted a crossbow left maneuver and formed a skirmish line facing north at Curson Avenue, toward a group of protesters north of the intersection. Officer J moved to the north and repositioned him/herself on the skirmish line, standing in the area of the westbound No. 2 traffic lane. According to Officer J, his/her attention was drawn to a female standing in the street holding a sign yelling at the officers; as he/she gave a verbal command, "leave the area." Officer J scanned the area behind the female, he/she saw a male bent down near a pole along the north curb and believed the male was reaching for something and posed a threat to the officers on the line.

Officer J's BWV, bearing the time stamp 02:10:59, yelled the command, "leave the area," just before he/she fired a fourth 40mm foam projectile toward the northeast corner of Curson Avenue. The shot was fired from an approximate distance of 110 feet. According to Officer J, he/she targeted the male's navel area.

Officer J then attempted to point out the male to other officers on the skirmish line, as he/she continued to yell the command to leave the area. Officer J cleared the empty 40mm casing from the launcher and stepped back off the skirmish line. According to Officer J, he/she was out of 40mm ammunition. Officer J slung the 40mm launcher and retrieved his/her PR 24 baton from his/her Sam Browne belt, as the TSE skirmish line on Beverly Boulevard moved forward past Curson Avenue. Officer J then joined the squad on the blocking force skirmish line at Curson Avenue, facing the protesters north of the intersection.

As Officer I held his/her position on the skirmish line, additional officers could be heard describing and pointing out individuals throwing objects. Officer I intermittently raised the Beanbag shotgun on target and then lowered it to a low-ready position as he/she assessed the actions of the protesters. On Officer I's BWV, protesters were visible on the north and south sidewalks and in the street mixed in between vehicles that were blocked by the protesters and unable to drive away from the area.

As the TSE skirmish line moved forward past Curson Avenue, a small group of protesters on the north sidewalk refused to comply with officers' commands to leave the area. Officers from the TSE MFF squad made an arrest of a male adult on the north sidewalk east of Curson Avenue. The skirmish line held in place mid-block east of Curson Avenue while that arrest took place. Officer J responded to their location and took custody of the arrestee. Officers J and P walked the male back to the staging area at CBS Studios and turned custody of him over to LASD deputies for transportation and booking.

The TSE MFF skirmish line moved east and held on the west side of the intersection of Beverly Boulevard and North Sierra Bonita Drive. Another MFF squad conducted a crossbow left maneuver and formed a blocking force across North Sierra Bonita Drive, facing north where a group of protesters had splintered from the crowd. On Officers I, K, and N's BWV's, a group of protesters were visible, gathered in the area of the intersection, throwing bottles at the officers. Officer I's BWV captured officers on the skirmish line directing other officers with less-lethal attention to an individual on the "Left Side" throwing objects at the officers. As the officers approached the intersection, another firework exploded on the east side of the intersection.

Officer I's BWV, bearing the time stamp 02:14:10, depicted him/her stop walking, raise the Beanbag shotgun on target, and fire a sixth Super-Sock in an easterly direction, toward the north curb of Beverly Boulevard. Officer I racked the action of the Beanbag shotgun and cycled another round into the chamber. Officer I then lowered the Beanbag shotgun to a low-ready position. Officer I's BWV camera did not capture a clear view of where the shot impacted. The distance between the protesters and Officer

I was approximately 190 feet. Officer I's shot was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

According to Officer I, he/she scanned the crowd for individuals throwing glass bottles and rocks – things that could immediately cause serious bodily injury to the officers. Officer I did not remember each of the persons he/she had fired shots at. According to Officer I, he/she believed he/she struck people with the less-lethal munitions he/she fired, because he/she saw individuals react and run away. Investigators reviewed the BWVs of officers on the skirmish line and did not locate any images of the impact of Officer I's sixth shot.

The command, "Hold," can be heard on Officer I's BWV and the skirmish line stopped moving. Officer I raised the barrel of the Beanbag shotgun to a port arms position, removed a round from the side saddle carrier, placed it in the magazine tube, and returned the shotgun to the low-ready position. Officers on the skirmish line could be heard directing other officers' attention to individuals throwing objects. The sound of additional less-lethal munitions being fired could also be heard on Officer I's BWV.

As the skirmish line continued to move east on Beverly Boulevard, the protesters moved between the vehicles stopped in the roadway. As the protester retreated from the officers, individuals in the crowd continued to throw rocks and bottles at the officers. As the skirmish line stopped mid-block between Sierra Bonita Drive and Gardner Avenue, at that time protesters were observed on Officer I's BWV, pushing a metal trash dumpster into the street toward the officers, while throwing rocks and bottles.

Officer I's BWV, bearing the time stamp 02:20:09, depicted him/her firing a seventh Super-Sock round in an easterly direction, toward the north curb of Beverly Boulevard east of Gardner Avenue, where the protesters with the dumpster were located. Officer I racked the action of the Beanbag shotgun and held it in a low-ready position. Officer I fired the shot while standing still and positioned to the south of the double yellow lane divider line of the east and west traffic lanes. On Officer I's BWV, protesters were depicted pushing a trash dumpster toward the skirmish line again, while objects are thrown toward the officers. Officer I's BWV camera did not provide a clear view of where the shot impacted.

After the shot was fired, protesters along the north curb line could be seen running away from the area of the trash dumpster. The distance between the protesters and Officer I was approximately 180 feet. Officer I's shot was fired from a distance greater than the recommended deployment range of 5 feet to 45 feet.

Officer I's BWV camera did not provide a clear image of where the shot impacted. According to Officer I, he/she scanned the crowd for individuals throwing glass bottles and rocks, things that could immediately cause serious bodily injury to the officers. According to Officer I, he/she did not remember each of the persons he/she had fired shots at. According to Officer I, he/she believed that he/she struck people with the less-lethal munitions he/she fired, because he/she saw individuals react and run away.

Investigators reviewed the BWV's of the officers on the skirmish line and did not locate any images of the impact of Officer I's shot.

As the TSE MFF skirmish line moved forward toward North Vista Street, protesters on the north and south sidewalks continued throwing bottles at the officers. Officer I raised the Beanbag shotgun from low-ready to on target. Officer I's BWV, bearing the time stamp 02:21:20, depicted him/her firing an eighth shot in an easterly direction, toward the southeast corner of North Vista Street. Officer I's BWV camera was partially blocked by his/her arms as he/she raised the Beanbag shotgun to fire the shot. Officer I's BWV did not capture where the shot impacted. Officer I fired the shot while walking and positioned approximately 183 feet from the protesters on the southeast corner. Officer I's shot was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

Officer I's BWV camera did not provide a clear image of where the shot impacted. According to Officer I, he/she scanned the crowd for individuals throwing glass bottles and rocks – things that could immediately cause serious bodily injury to the officers. According to Officer I, he/she did not remember each of the persons he/she had fired shots at. According to Officer I, he/she believed he/she struck people with the less-lethal munitions he/she fired, because he/she saw individuals react and run away. Investigators' review of the BWV's of the officers on the skirmish line did not locate any images of the impact of Officer I's shot.

Immediately following the shot, Officer I lowered the Beanbag shotgun to the low-ready position and protesters can be seen on his/her BWV running east from the area. The TSE MFF skirmish line stopped on the east side of the intersection, as two blocking forces moved to the intersection of Beverly Boulevard and North Vista Street and formed skirmish lines across the north and south sides of the intersection. The protesters moved back and in between vehicles stopped in traffic on Beverly Boulevard.

The TSE MMF moved past the intersection of North Vista Street and held the skirmish line. The command, "hold and reload," could be heard on Officer I's BWV. Officer I retrieved Super-Sock ammunition from his/her pocket and filled the side saddle carrier of the Beanbag shotgun. Officer I held the Beanbag shotgun in a port arms position with the barrel pointed up, conducted a chamber check, and then loaded additional Super-Sock rounds into the magazine tube. Officer I lowered the Beanbag shotgun to a low-ready position. Officer I received an additional box of Beanbag Super-Sock rounds and placed them in his/her pocket. Officer I again raised the Beanbag shotgun to a port arms position and conducted a second chamber check, before returning the shotgun to a low-ready position.

The skirmish line continued to move east, and protesters can be heard on Officer I's BWV, repeatedly yelling "[expletive] the police," as protesters threw bottles at the officers.

Officer I's BWV, bearing the time stamp 02:23:30, depicted him/her firing a ninth Super-Sock in an easterly direction, toward protesters in the area of the north curb of Beverly Boulevard. The distance between the skirmish line and the protesters was approximately 200 feet. Officer I's BWV did not capture a clear view of where the shot impacted. After the shot was fired, Officer I racked the action of the Beanbag shotgun and lowered it to a low-ready position. Officer I's shot was fired at a distance greater than the recommended deployment range of 5 feet to 45 feet.

Officer I's BWV camera did not provide a clear image of where the shot impacted. According to Officer I, he/she scanned the crowd for individuals throwing glass bottles and rocks; things that could immediately cause serious bodily injury to the officers. Officer I did not remember each of the persons he/she had fired shots at. Officer I believed he/she struck people with the less-lethal munitions he/she fired, because he/she saw individuals react and run away. As Officer I fired his/her ninth shot, the sound of additional officers firing less-lethal could be heard on his BWV. Investigators reviewed the BWV's of the officers on the skirmish line and did not locate any images of the impact of Officer I's shot.

As the TSE MFF skirmish line moved east, the protesters continued to refuse to comply with the dispersal order, throwing rocks and bottles at the officers. As the skirmish line advanced, the blocking force moved ahead to and held each subsequent intersection. As the movement along Beverly Boulevard continued, the group of protesters steadily diminished in size. The protesters eventually retreated east to the east side of the intersection of Beverly Boulevard and La Brea Boulevard; which was the designated boundary of the dispersal order. At that point, the protest had dwindled to a small group of less than 100 people and were no longer engaging the officer.

At 1940 hours, Officers I and K left the TSE MFF and returned to their squad.

At 1944 hours, Officer I turned off his/her BWV camera in the area of Gardner Avenue while the officers walked back toward the CP staging area.

According to Officer I, while at the CP staging area, he/she advised Sergeant A that he/she had fired Beanbag shotgun rounds at protesters, but he/she did not provide any description of the individuals that he/she fired at and was not asked any specific details regarding the shots.

On June 1, 2020, a video was posted on the social media site Twitter, depicting an individual with a cloth wrapped around their head, being led away by several people. The text displayed on the post above the video read as follows: "This is right after I got shot in the face and pulled out from the front. There's a protester I have my arms around and he's pressing a cloth to my head. My hands were up, and I was in front of the protest crowd and far from the police, respecting their distance."

On June 2, 2020, Subject 1 posted on the Social Media site Twitter, videos containing allegations that he was injured as the result of officers, “shooting him in the head with rubber bullets”.

On June 2, 2020, Channel 7 News, televised a story, detailing Subject 1’s allegations. As a result of the allegations, a personnel complaint was generated.

On June 2, 2020, the Chief of Police (COP) established the Safe Los Angeles Task Force (SLATF). The task force was split between several investigative entities within the Department, including federal and state agencies. Professional Standards Bureau was responsible for personnel complaints, Robbery Homicide Division (RHD) was responsible for investigating the crimes against officers. Commercial Crimes Division (CCD) was responsible for investigating crimes of vandalism and looting.

On July 1, 2020, Professional Standards Bureau (PSB) Investigators went to a hospital and verified that Subject 1 had been admitted on May 30, 2020 for a head injury and was discharged from the hospital on June 2, 2020.

On July 1, 2020, FID received notification of the LERI incident involving Subject 1 that occurred on May 30, 2020, at the intersection of Beverly Boulevard and Curson Avenue.

On October 21, 2020, Legal Affairs Division forwarded a Claim for Damages notification to PSB. The claim alleged that Subject 2 suffered injuries to her nose and lip, as a result of a less-lethal impact sustained on May 30, 2020. As a result of the allegations, a personnel complaint was generated. On October 22, 2020, the complaint was assigned to the SAFE LA Taskforce for investigation.

On November 16, 2020, Internal Affairs Investigators determined that Subject 2 had been treated at a hospital for a head injury. Investigators verified that Subject 2 received treatment on May 30, 2020, and was discharged from the hospital on the same date.

On November 23, 2020, FID received notification of the Unintentional Head Strike incident involving Subject 2, occurred on May 30, 2020, at the intersection of Beverly Boulevard and Curson Avenue.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant E	Yes	Yes	Yes	NA	NA
Sergeant D	Yes	Yes	Yes	NA	NA
Officer J	Yes	Yes	Yes	NA	NA
Officer I	Yes	Yes	Yes	NA	NA

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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found the tactics of Sergeant D and Officer I to warrant a finding of Administrative Disapproval.

The BOPC found the tactics of Sergeant E and Officer J to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

The BOPC found the less-lethal use of force by Officers I (Rounds 4-5) and J (Round 1) to be Out of Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques. It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Use of Force – Non-Deadly. It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Use of Force – Deadly. It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force. The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

A. Tactics

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – The MFF squad led by Sergeant A, responded to the CP staging area at the CBS Studios parking lot. The MFF squad checked out 40mm LLLs and Beanbag Shotguns from the Kit Room. Officer J obtained a 40mm LLL and Officer I obtained a Beanbag Shotgun and were designated part of the less-lethal component of the MFF. Sergeant A conducted a briefing with the MFF at the CP staging area. Sergeant A advised the MFF that an unlawful assembly had been declared and that less-lethal munitions had been authorized by the IC. The briefing included a discussion pertaining to tactics and officer safety, including less-lethal options. Sergeant A directed his/her MFF squad to move from the CBS Studios parking lot to

support a TSE, MFF squad with less-lethal weapon systems at Beverly Blvd and Stanley Avenue.

The BOPC noted that the various MFFs from different Bureaus were involved in crowd control measures at the location and that the supervisors attempted to coordinate movements to push the large crowd east on Beverly Boulevard. Upon the arrival of TSE personnel, tactical plans were formulated and implemented. The TSE squad was directed to move forward, establish a new skirmish line ahead of the main skirmish line held on Beverly Boulevard and Stanley Avenue and continue to move the crowd east on Beverly Boulevard. The BOPC noted that the environment was chaotic, loud, and difficult to communicate tactical plans.

The BOPC noted that the tactical situation for the MFF was challenging due to the major civil unrest which included large violent crowds that were moving in various directions. The BOPC considered that the size and nature of the crowds were unprecedented and though large amounts of resources, including numerous MFF and TSEs had been allocated for potential protests at Pan Pacific Park, the number of protestors that gathered in the area were substantially greater than the resources available at that time due to multiple protests, encounters with officers, and looting that were occurring simultaneously in different locations throughout this incident.

Assessment –The BOPC considered that tactical assessments were made by both MFF supervisors and the IC as there were multiple crowds engaging with MFF resources. As a large crowd on Beverly Boulevard made its way east on Beverly Boulevard, they attempted to gain entry into the CP staging area, which was the north entrance of the CBS Studios parking lot. Several MFF squads responded to the entrance, formed, and held skirmish lines in order to clear the entrance and secure the CP staging area.

The BOPC noted that assessments of the tactical situations were being made and relayed by personnel of various ranks and communicated over the tactical frequency. The Air Unit requested that LASD, MFF personnel maintain their position and provide support to the MFF personnel that held the skirmish line located on Beverly Boulevard and Stanley Avenue due to no additional resources being available. As Sergeant D arrived at the scene and directed his/her MFF squad to support another MFF and LASD, he/she assessed the scene, then coordinated with Sergeant B to utilize MFF tactics and push the protestors east on Beverly Boulevard. Sergeant D continued his/her assessment, observed that less-lethal munitions were running low or were exhausted, and directed the arriving less-lethal officers to move up to support the skirmish line in addition to broadcasting requests for a resupply of less-lethal munitions.

As Officers I and J arrived and moved forward at Sergeant D's request to support the primary skirmish line, they assessed the tactical situation and began discharging their less-lethal weapon systems at protestors in the crowd whom they believed were imminent threats to the skirmish line and were throwing unknown objects

toward officers. The BOPC noted that throughout this time, the crowd continuously threw objects at officers from varying distances and was aware the tactical situation was hectic and constantly shifting. Supervisors at scene continued to assess the tactical situation as the TSE personnel arrived.

The BOPC noted, as Sergeant E established a skirmish line east of the primary skirmish line held on Beverly Boulevard and Stanley Avenue, that Sergeant E assessed and realized his/her less-lethal component of his/her TSE, MFF squad was dealing with protestors on the southernmost portion of the skirmish line. Sergeant E directed additional MFF less-lethal resources move forward to support the TSE, MFF skirmish line. Sergeant E directed the less-lethal equipped MFF officers, which included Officers I and J, to move up to his/her skirmish line and to protect the officers on the skirmish line from threats. The BOPC noted that the crowd was moving around and there was a continuous barrage of objects being thrown at officers from violent protestors. The TSE, MFF line continued to move east on Beverly Boulevard and pushed the crowd east on Beverly Boulevard and out of the area.

The BOPC considered that there were numerous threats and hazards to assess as well as the loud and chaotic environment the officers were required to assess and manage throughout this incident. The BOPC noted the assessment by Officers I and J, including the distances in which they discharged their less-lethal weapon systems at the protestors they observed as threats.

Time – The BOPC noted the limited amount of time afforded to the officers as they moved forward at the direction of Sergeant D to the skirmish line. The BOPC considered that numerous attempts were made to disperse the crowd through dispersal orders provided over PA systems; however, the crowd of protestors continued to be aggressive and hostile.

The BOPC noted that Officers I and J quickly moved forward once again at the direction of Sergeant E. The TSE, MFF skirmish line moved east toward protestors, closing the distance as objects continued to be thrown toward officers. When Officers I and J took a position on the TSE skirmish line, they had a short time to assess the threat of protestors and attempted to address the threats presented as the TSE, MFF skirmish line continued to close distance on the crowd.

Redeployment and/or Containment – The BOPC noted that this incident was a crowd control and dispersal incident. In such a scenario, the mission of the Department is to protect lives and property, and to restore conditions to normal as rapidly and efficiently as possible. In this incident there were insufficient resources to contain the hostile crowd, and it was not practical to redeploy away from the location. If the officers redeployed away from the location, further property destruction and other dangerous unlawful acts would continue to occur.

Other Resources – This incident occurred during a prolonged period of civil unrest. The Department was in the process of being mobilized to provide additional staffing in order to restore order to the City of Los Angeles. However, before mobilization was in effect, multiple areas of civil unrest limited the number of officers that could be deployed to one area of the City or respond to the requests for additional resources. The BOPC noted the limited number of personnel and the widespread civil unrest in the City of Los Angeles was a factor that limited the deployment of additional officers and resources. The BOPC considered that the unprecedented size of the crowd was significantly greater than the available resources.

Lines of Communication – The BOPC noted that the IC attempted to establish lines of communication with the organizers of the protest at Pan Pacific Park; however, no organizers were located. As the crowd began to become hostile and aggressive, numerous Unlawful Assembly dispersal orders were made throughout the incident. Officers assigned to various MFF squads who responded to the events continuously communicated with the crowd of protestors to leave the area. Additionally, the officers of the various MFF squads and TSE communicated with each other and with LASD, MFF resources to maintain tactical precision. Officers relayed commands given by supervisors down the line of officers to ensure that the commands were heard by all present. The MFF officers also communicated with each other identifying various threats and objects that were being thrown at the officers on skirmish lines.

The BOPC noted that numerous commands were verbally given prior to skirmish lines being formed by MFF squads, all of which were amplified by police vehicle PA systems directing the crowds to disperse due to an Unlawful Assembly. The BOPC considered that the tactical situation was chaotic, loud, and rapidly changing, causing tactical communication to be extremely difficult. The BOPC acknowledged that Department personnel attempted to maintain lines of communication with each other and the crowd throughout the incident, even though the environment was incredibly challenging.

- During its review of this incident, the BOPC noted the following tactical considerations:

1. Tactical Communication

(Substantial Deviation, without Justification – Sergeant D)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).

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 by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution.

Sergeant D directed less-lethal equipped officers from another MFF squad, which included Officers I and J, to move forward to the primary skirmish line and begin to discharge their less-lethal weapon systems at threats in the crowd.

The BOPC considered that the tactical situation was extremely chaotic and loud with protestors continuously throwing objects at officers including fireworks. Sergeant D communicated with Sergeant B in the tactical plan to utilize MFF maneuvers to move the crowd east on Beverly Boulevard. The BOPC noted that based on the dynamic, hectic tactical situation, all personnel involved in this incident, would have been under a high level emotional and physical strain.

The BOPC noted that Sergeant D provided specific direction for less-lethal equipped MFF squad officers to move forward to the skirmish line and “put some rounds downrange” and to “start firing, start shooting, start firing.” The BOPC opined that though the tactical situation was incredibly chaotic and stressful, they would have preferred that Sergeant D provide clear direction with regards to the verbiage he utilized and how he/she intended the less-lethal equipped officers to deploy their less-lethal impact devices. The BOPC noted that the tactical communication and verbiage utilized by Sergeant D contributed to confusion and doubt in how less-lethal impact devices were to be utilized during this incident as a crowd control tactic. The BOPC opined that though officers are ultimately responsible for the utilization of their respective less-lethal weapon systems, clear direction would have assisted with preventing confusion and contributed to providing coordination during the chaotic incident.

The BOPC considered Sergeant E’s tactical communication with his/her TSE personnel as they moved forward and established a skirmish line east of the primary skirmish line and began to move east on Beverly Boulevard. The BOPC considered that due to the loud, hectic scene, Sergeant E was not aware that his/her less-lethal component of his/her TSE became unavailable due to encountering protestors along the southern portion of his/her skirmish line. Sergeant E immediately assessed the tactical situation and communicated to the primary skirmish line that he/she required less-lethal equipped officers to move up and support his/her TSE skirmish line of officers. He/she clearly communicated to the less-lethal equipped officers that moved forward, which included Officers I and J, to move to the front of skirmish line and address any threats.

In this case, the BOPC would have preferred that Sergeants D and E actively assess the distance between the crowd and skirmish lines in order to evaluate the effectiveness of the less-lethal munitions being discharged. By doing so,

Sergeants D and E would have recognized that the crowd was beyond the recommended effective range of the less-lethal impact devices that were being utilized by officers on the skirmish line. Additionally, Sergeant D should have maintained more effective tactical communication with other supervisors on scene and coordinated the skirmish lines to continue to move forward to disperse the crowd and not remain as stationary targets as objects were being thrown at them. It was noted that Sergeant E exercised active leadership as he/she admonished the officers to stop firing their less-lethal impact devices and preserve their munitions upon observing the officers deploying less-lethal munitions at hostile demonstrators were beyond the effective range of the less-lethal impact devices as demonstrators retreated.

Based on the totality of the circumstances, the BOPC determined that Sergeant D's tactical communication was a substantial deviation, without justification, from approved Department tactical training. Additionally, based on the totality of the circumstances, the BOPC determined that Sergeant E's tactical communication was not a deviation from approved Department tactical training.

2. Beanbag Shotgun Deployment

(Substantial Deviation, without justification – Officer I)

An officer may use the Beanbag Shotgun as a reasonable force option to control a suspect when **the suspect poses an immediate threat to the safety of the officer or others.**

For tactical and weapon retention purposes, the recommended deployment range for the Beanbag Shotgun is five feet to 45 feet. The primary target area is the navel area or belt line, but officers may target the suspect's arms, hands or legs when practicable (Los Angeles Police Department Use of Force Tactics Directive No. 6.3, Beanbag Shotgun –July 2018).

Per Department Manual, Volume 4, Section 245.05, the discharge of a Beanbag Shotgun that does not make contact with an individual or their clothing is not a reportable Use of Force. However, the deployment of the Beanbag Shotgun will be evaluated as a tactical consideration.

Officer I discharged nine Super Sock Beanbag Shotgun rounds during this incident at protestors in the crowd he/she believed were threats to the officers deployed on skirmish lines. In this case, the BOPC noted that Unlawful Assembly dispersal orders were given multiple times to the crowd and less-lethal munitions were authorized by the IC. Upon his/her arrival at the incident, Officer I moved up to the skirmish line at Beverly Boulevard and Stanley Avenue as directed by Sergeant D. Sergeant D directed Officer I to get up to the line and begin discharging his/her Beanbag Shotgun. Officer I moved up to the skirmish line and assessed the tactical situation for potential threats to officers on the skirmish line and discharged less-lethal munitions at protestors he/she believed

were threats. The BOPC considered that Officer I was directed to move up to the TSE skirmish line by Sergeant E. A short time later, Officer I discharged additional less-lethal munitions from his/her Beanbag Shotgun at protestors he/she believed were threats to the officers. The BOPC noted Officer I discharged a total of nine rounds from the time he/she arrived at scene to the last round he/she discharged, which was determined to be a duration of approximately 19 minutes. Additionally, the BOPC considered that the investigation determined all nine rounds discharged by Officer I were well over the maximum recommended distance of 45 feet for utilization of the Beanbag Shotgun.

The BOPC noted that Officer I was equipped with a Beanbag Shotgun and moved up to support the skirmish lines as he/she was directed by both Sergeants D and E at various times. The BOPC considered that Officer I was placed into a chaotic and tense tactical situation in which there was a large hostile crowd that was throwing numerous objects at officers, which included fireworks. The BOPC noted that the majority of Officer I's less-lethal munitions were discharged at distances well over 100 feet, up to 200 feet. The BOPC considered that the recommended distances are utilized in Department training in order to maximize the effectiveness and accuracy of the Beanbag Shotgun during tactical situations and that discharging it at distances beyond the maximum recommended distance may lead to reduced accuracy and unintentional impacts. The BOPC opined that though the tactical situation was hectic and stressful, and officers were authorized to utilize less-lethal weapon systems while adhering to Department expectations, training, and directives. Officers are expected to assess the distance to threats and determine if their less-lethal impact devices would be effective. The BOPC determined that the distances at which Officer I discharged his/her Beanbag Shotgun at protestors who were threats to officers were substantially outside the recommended distances, and his/her decision to discharge his Beanbag Shotgun was a substantial deviation, without justification, from Department training.

Based on the totality of the circumstances, the BOPC determined that Officer I's decision to discharge his/her Beanbag Shotgun at protestors over the recommended distance was a substantial deviation, without justification, from approved Department tactical training.

3. 40mm LLL Deployment

An officer may use the 40mm Less-Lethal Launcher (40mm LLL) as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The 40mm LLL shall not be used to target the head, neck, face, eyes, or spine unless lethal force is authorized. The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110

feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a suspect from gaining control of the launcher (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher –July 2018).

Per Department Manual, Volume 4, Section 245.05, the discharge of a 40mm LLL that does not make contact with an individual or their clothing is not a reportable Use of Force. However, the deployment of the 40mm LLL will be evaluated as a tactical consideration.

Officer J discharged four 40mm LLL sponge rounds during this incident at protestors in the crowd that he/she believed were threats to the officers on the skirmish line.

In this case, the BOPC noted that Unlawful Assembly dispersal orders were given multiple times to the crowd and less-lethal munitions were authorized by the IC. Upon his/her arrival at the incident, Officer J moved up to the skirmish line at Beverly Boulevard and Stanley Avenue per Sergeant D's direction to get up to the line and begin discharging less-lethal munitions. Officer J moved up to the skirmish line and assessed the tactical situation for potential threats to officers on the skirmish line and discharged less-lethal munitions at protestors he/she believed were threats. The BOPC considered that Officer J was directed to move up to the TSE skirmish line by Sergeant E a short time later at which time he/she discharged additional less-lethal munitions from his/her 40mm LLL at protestors he/she believed were threats to the officers. Additionally, the BOPC considered that the investigation determined that one out of the four rounds discharged by Officer J was over the maximum recommended distance of 110 feet for utilization of the 40mm LLL.

The BOPC noted that Officer J was equipped with a 40mm LLL and moved up to support the skirmish lines as he/she was directed by both Sergeants D and E and various times. The BOPC considered that Officer J was placed into a chaotic and tense tactical situation in which there was a large hostile crowd that was throwing numerous objects at officers, which included fireworks. The BOPC noted that the majority of Officer J's rounds were discharged at protestors who he/she believed presented a threat to the skirmish line and were within the recommended distance for the utilization of 40mm LLL. The BOPC considered that the 40mm LLL is a target-specific less-lethal weapon system that has a considerably farther effective distance than the Beanbag Shotgun as described by the recommended maximum distance of 110 feet. The BOPC opined that Officer J's assessment of distance and the effectiveness of the 40mm LLL was reasonable during the chaotic tactical situation and noted that he/she specifically targeted the abdomen of the individual threats he observed.

Based on the totality of the circumstances, the BOPC determined that Officer J's actions with regards to his deployment and discharging of his/her 40mm LLL was not a deviation from approved Department policy.

- The BOPC also considered the following:
 1. **Target Acquisition** – Officers I and J both identified two separate male protestors at different instances who they observed throwing objects at officers and posed a threat. Officer J was equipped with a 40mm LLL and Officer I was equipped with a Beanbag Shotgun. Both Officers I and J discharged their less-lethal weapon systems at the protestors they believed to be threats; however, they did not strike their intended targets and unintentionally struck nearby protestors. Officer J's 40mm LLL sponge round struck Subject 1's abdomen, while Officer I's Beanbag Shotgun rounds struck Subject 1 and Subject 2 in the head.
 2. **Non-Medical face Coverings** – Sergeants D and E, along with Officer J, did not don Non-medical Face Coverings, as directed by the Chief of Police on May 20, 2020, for health and safety concerns related to the coronavirus. They were reminded to don Non-Medical Face Coverings when feasible to minimize health and safety concerns to officers.

These topics were to be discussed at the Tactical Debrief.

Command and Control

- Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives, and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained enough situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor’s Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant A was a MFF Squad leader. He/she was briefed at the CP and advised that Unlawful Assembly dispersal orders had been given and the use of less-lethal munitions had been authorized. Sergeant A briefed the MFF squad he/she was in charge of and stood by at the CP staging area for deployment. As his/her MFF squad approached Beverly Boulevard and Stanley Avenue, Sergeant D approached and immediately directed officers equipped with less-lethal weapon systems to assist officers and move up to the primary skirmish line. Sergeant A remained with his/her MFF squad while allowing his/her less-lethal component to move up and support the primary skirmish line with imminent threats posed by violent protestors. The actions of Sergeant A were consistent with Department training and the BOPC’s expectations of a supervisor during a crowd control situation.

Sergeant D arrived at Beverly Boulevard and Stanley Avenue and observed protesters throwing rocks and bottles at officers. Sergeant D approached officers on a skirmish line and directed them to deploy less-lethal munitions at the protesters throwing objects at officers. Sergeant D broadcast a request for additional support equipped with less-lethal munitions. Another MFF squad arrived and met with officers holding a skirmish line at Beverly Boulevard and Stanley Avenue. Sergeant D met with the other MFF squad and directed the officers equipped with less-lethal munitions to get on the skirmish line and begin firing their less-lethal weapons at the crowd.

The BOPC discussed Sergeant D’s actions as the supervisor assigned to a MFF and his/her decision to take unfamiliar less-lethal equipped officers from a separate MFF squad and direct them to discharge their less-lethal impact devices at the crowd. The BOPC noted that the direction and commands given by Sergeant D were a significant factor in leading to confusion with regards to what actions the officers were to take during the chaotic situation and evaluated the Department standards on when officers may discharge less-lethal impact devices. The BOPC acknowledged that the tactical situation was incredibly challenging; however, they would have preferred that Sergeant D had provided clearer directions in his/her instructions to officers as he/she directed officers equipped with less-lethal devices to join and assist the officers on the skirmish line. Additionally, the BOPC would have preferred that Sergeant D had maintained his/her composure and displayed active leadership

by providing specific direction to officers equipped with less-lethal devices on his/her expectations of the utilization of the less-lethal devices.

In this case, during his approximately ten minutes at scene, the BOPC would have preferred that Sergeant D had assessed the tactical situation and coordinated with other, on scene supervisors to formulate alternative tactical options, including directing the primary MFF skirmish line to move forward and close distance with the crowd. This would have allowed officers equipped with less-lethal impact devices to close distance and be within the effective range of the less-lethal impact devices and address the possible threats as well as prevented officers on the skirmish line from being stationary for an extended period of time, thus reducing potential injury. The active leadership and sound assessment by field supervisors is essential in coordinating and implementing effective tactical strategies that increase officer safety and reduce hazards to public safety.

The BOPC determined that Sergeant D's actions significantly deviated from approved Department supervisory training. Therefore, the overall actions of Sergeant D were not consistent with department training and the BOPC's expectations of a supervisor during a crowd control situation.

Sergeant E was directed to move his/her TSE east of the primary skirmish line and begin moving east on Beverly Boulevard. Sergeant E directed his/her TSE to form a skirmish line 10 yards out in front of a primary skirmish line that was established on the east side of Beverly Boulevard and Stanley Avenue. Once the TSE personnel moved forward, and their skirmish line was set on Beverly Boulevard between Stanley Avenue and Curson Avenue, Sergeant E requested officers equipped with less-lethal devices to move up and support his/her skirmish line which was moving east on Beverly Boulevard. Sergeant E realized the less-lethal component for his/her TSE were addressing a tactical situation just south of his/her skirmish line and directed other MFF officers on the primary skirmish line behind him/her that were equipped with less-lethal impact devices to move up to the TSE's skirmish line and protect the line from threats.

In this case, the BOPC would have preferred that Sergeant E had demonstrated better restraint while he/she was in charge of the skirmish line of TSE personnel and officers deploying less-lethal impact devices. It was noted that Sergeant E exercised active leadership as he/she admonished the officers to stop firing their less-lethal impact devices and preserve their munitions upon observing the officers deploying less-lethal munitions at hostile demonstrators were beyond the effective range of the less-lethal impact devices as demonstrators retreated.

The actions of Sergeant E were consistent with department training and the BOPC's expectations of a supervisor during a crowd control situation.

- 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.

In conducting an objective assessment of this case, the BOPC determined that Sergeant D and Officer I's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

Sergeant E and Officer J's actions did not deviate from Department policy and training.

The BOPC found the tactics of Sergeant D and Officer I to warrant a finding of Administrative Disapproval. The BOPC found the tactics of Sergeant E and Officer J to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

- Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects. The courts have held that less-lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, less-lethal force options are only permissible when:
 - An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of less-lethal force.

Beanbag Shotgun: An officer may use the Beanbag Shotgun as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

For tactical and weapon retention purposes, the recommended deployment range for the Beanbag Shotgun is five feet to 45 feet. The primary target area is the navel area or belt line, but officers may target the suspect’s arms, hands or legs when practicable (Los Angeles Police Department Use of Force Tactics Directive No. 6.3, Beanbag Shotgun –July 2018).

40mm LLL: An officer may use the 40mm Less-Lethal Launcher (40mm LLL) as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The 40mm LLL shall not be used to target the head, neck, face, eyes, or spine unless lethal force is authorized. The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110 feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a subject/suspect from gaining control of the launcher (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher –July 2018).

- **Officer J** – (40mm LLL, one round)

During the incident, Officer J scanned the crowd looking for threats and observed a male in black clothing throwing objects at officers and running back into the crowd. Officer J observed the same male emerge from the crowd a second time. Officer J discharged a single 40mm LLL sponge round at a male in the crowd who was throwing objects at officers. Officer J did not target Subject 1 and did not know if he/she struck anyone with his/her 40mm LLL sponge round.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer J's use of less-lethal force for his/her first less-lethal round. The BOPC noted that Unlawful Assembly dispersal orders were given multiple times to the crowd and less-lethal munitions had been authorized by the IC. Upon his/her arrival at the incident, Officer J moved up and positioned him/herself on the skirmish line at Beverly Boulevard and Stanley Avenue in response to Sergeant D's direction to get up to the line and begin discharging his/her 40mm LLL. Officer J moved up, positioned him/herself on the skirmish line, and assessed the tactical situation for potential threats to officers on the skirmish line and discharged less-lethal munitions at protestors he/she believed were threats. The BOPC noted that Officer J recalled discharging his/her first 40mm LLL sponge round at a male suspect dressed in black clothing throwing objects at the officers on the skirmish line and determined him to be an immediate threat.

The BOPC considered that Officer J was placed into a dynamic, chaotic, and tense tactical situation in which there was a large hostile crowd that was throwing numerous objects at officers which included fireworks. The BOPC considered the investigation determined that the first 40mm LLL sponge round Officer J discharged was fired from an approximate distance of 136 feet, which is beyond the maximum recommended distance of 110 feet. The BOPC noted the 40mm LLL is a target-specific, less-lethal impact device that has a considerably longer effective distance than other less-lethal impact devices. The BOPC opined that Officer J's utilization of the 40mm LLL beyond the recommended distance was an inaccurate assessment of the distance and effectiveness of the 40mm LLL, which ultimately led to Subject 1 being struck in the abdomen unintentionally. The BOPC noted that Subject 1 was not violently resisting or presenting an imminent threat to officers when he was struck. The BOPC opined that officers are responsible for each round they discharge from less-lethal impact devices, and Officer J's decision to discharge his/her 40mm LLL beyond the recommended distance was a factor in the accuracy of the tool and unintentionally striking Subject 1.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer J, while faced with similar circumstances, would not reasonably believe the unknown protestor Officer J discharged his/her 40mm LLL toward, which unintentionally struck Subject 1, presented an immediate threat of violence or physical harm to Officer J, and that the use of less-lethal force was not objectively reasonable.

Therefore, the BOPC found Officer J's less-lethal use of force (Round 1) to be Out of Policy.

- **Officer I** – (beanbag, nine rounds) (On the fourth discharge, he/she struck protestor Subject 1 – First Less-Lethal Occurrence. On the fifth discharge, he struck protestor Subject 2 – Second Less-Lethal Occurrence.)

First Occurrence

Officer I – One Beanbag Shotgun Super Sock round discharged from an approximate distance of 55 feet.

According to Officer I, he/she was directed to move up to a skirmish line when a sergeant requested beanbags. Officer I moved up to the skirmish line and observed protesters throwing objects at officers. Officer I identified a male in the crowd throwing objects at officers posing an imminent threat. Officer I aimed at that male's naval area and discharged the Beanbag Shotgun, striking Subject 1 on his head. Officer I was unaware that his/her Beanbag Round struck Subject 1.

Second Occurrence

Officer I – One Beanbag Shotgun Super Sock round discharged from an approximate distance of 55 feet.

The FID investigation revealed that Officer I generally recalled discharging his/her Beanbag Shotgun at individuals who he/she believed were an immediate threat to the skirmish line; however, he/she did not recall targeting or striking Subject 2 with his/her Beanbag Shotgun.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer I's use of less-lethal force for his/her fourth and fifth less-lethal rounds. The BOPC noted that Unlawful Assembly dispersal orders were given multiple times to the crowd and less-lethal munitions had been authorized by the IC. The BOPC considered that Officer I was placed into a dynamic, chaotic, and tense tactical situation in which there was a large hostile crowd that was throwing numerous objects at officers which included fireworks.

The BOPC noted that Officer I discharged his/her fourth and fifth rounds, which unintentionally struck Subjects 1 and 2, while he/she was positioned with the TSE skirmish line that was moving east on Beverly Boulevard. The BOPC noted that Officer I recalled discharging Beanbag Shotgun rounds at protestors who he/she believed to be an imminent threat to the officers on the skirmish line; however, he/she did not recall Subjects 1 and 2 being struck. Additionally, the BOPC considered that the investigation determined Officer I's fourth and fifth rounds were discharged at targets beyond the maximum recommended distance of 45 feet for the utilization of the Beanbag Shotgun. The BOPC determination that Officer I unintentionally struck Subjects 1 and 2.

The BOPC noted that Officer I's fourth and fifth rounds struck Subject 1 and Subject 2 in the head, who were approximately 55 feet away from Officer I. The BOPC considered that Officer I stated he/she was targeting suspects he/she observed were throwing objects and believed presented an imminent threat to officers on the skirmish line. The BOPC considered that the recommended distances are utilized in Department training in order to maximize the effectiveness and accuracy of the Beanbag Shotgun during tactical situations and that discharging it at distances beyond the maximum recommended distance may lead to reduced accuracy and unintentional impacts.

The BOPC opined that in determining the reasonableness of Officer I's fourth and fifth rounds, the assessment of the threat and the distance of which the Beanbag Shotgun was discharged at, was an important factor. The BOPC noted the Beanbag Shotgun is a target-specific less-lethal impact device. The BOPC considered that Subjects 1 and 2 were not violently resisting or presenting a threat to officers when they were struck. The BOPC opined that the background and foreground are important factors to consider prior to discharging less-lethal munitions. The BOPC opined that officers are accountable for each round they discharge from their less-lethal impact devices, and Officer I's decision to discharge his/her Beanbag Shotgun from beyond the recommended distance was a significant factor in the accuracy of the tool and subsequently led to him/her unintentionally striking both Subject 1 and Subject 2. Additionally, the BOPC majority noted that Officer I described his/her targets to be 15 feet further than Subject 1 or Subject 2, which would have placed them at approximately 70 feet away from the skirmish line when Officer I determined them to be imminent threats.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer I, while faced with similar circumstances, would not reasonably believe the unknown protestors Officer I discharged his/her Beanbag Shotgun toward, which unintentionally struck Subject 1 and Subject 2, presented an immediate threat of violence or physical harm to Officer I and that the use of less-lethal force was not objectively reasonable.

Therefore, the BOPC found Officer I's less-lethal use of force (Rounds 4 and 5) to be Out of Policy.