

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

LAW ENFORCEMENT-RELATED INJURY 037-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	6/2/20		
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Officer(s) Involved in Use of Force	Length of Service
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Officer B	2 years
Officer D	24 years, 7 months
Officer F	17 years, 11 months

Reason for Police Contact

On Tuesday, June 2, 2020, at approximately 1441 hours, uniformed personnel assigned to a Mobile Field Force (MFF) responded to Hollywood Boulevard and Ivar Avenue due to ongoing protests and civil unrest. While dispersing protestors in the intersection, one officer fired a round from his/her 40-millimeter (mm) Less-Lethal Launcher (LLL). The round struck a protestor in the groin area, resulting in his hospitalization.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Male, 28 years of age.
Subject 2: Female, unknown 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 June 2, 2020, uniformed personnel were assigned to Mobile Field Force squads in order to assist with the ongoing protests within the city. The Mobile Field Force consisted, in part, of the following personnel:

Sergeant A
Police Officer A
Police Officer B
Police Officer C
Police Officer D
Police Officer E
Police Officer F

The above personnel were all attired in Department approved uniforms. They also wore ballistic vests and ballistic helmets with attached face shields. Additionally, all officers were equipped with their side-handled batons.

Although not all the personnel assigned to the aforementioned squads are listed, each squad consisted of one sergeant and ten officers.

The Mobile Field Force checked in at a staging area and was ultimately sent to Hollywood Area to assist with crowd control efforts.

According to the chronological log created for this incident, at approximately 1350 hours, the estimated crowd size near the intersection of Cahuenga Boulevard and Sunset Boulevard was approximately 6000 to 7000 people.

The squads traveled in marked police vans with forward-facing red lights and sirens, but they were not equipped with a Digital In-Car Video System (DICVS).

At approximately 1421:53 hours, a radio call was broadcast for burglary suspects “there now” at an address on Hollywood Boulevard. The radio call indicated that several males were burglarizing a store, armed with handguns, and had threatened the Person Reporting (PR). Although a patrol unit was assigned the radio call, the call was in the vicinity of ongoing protests within Hollywood Area.

Uniformed officers responded to Cosmo Street south of Hollywood Boulevard and detained the possible suspects from the radio call. As officers were conducting their investigation, an Air Unit broadcast that a large crowd was moving toward the officers and requested units respond with emergency lights and siren (Code Three) to the location.

Following the Air Unit’s request for additional units, a Tactical Support Element, including Sergeant B, responded to Hollywood Boulevard and Cahuenga Boulevard.

According to Sergeant B, the officers responded to a back-up request in the area. However, a review of the police radio, Operations West Bureau Tactical Frequency, revealed that the Air Unit requested additional squads to respond Code Three. No backup request was captured on the tactical frequency or Hollywood Base Frequency.

The Tactical Support Element arrived at Hollywood Boulevard and Cahuenga Boulevard at approximately 1436:32 hours. Upon their arrival, Sergeant B directed his/her squad to form a skirmish line across Hollywood Boulevard. After forming the skirmish line, the officers walked east on Hollywood Boulevard toward the intersection of Ivar Street. According to Sergeant B, as they made their way east, protestors began throwing objects in the officers' direction such as rocks, glass bottles and plastic bottles filled with liquid. Sergeant B described the scene as loud and chaotic.

Another Mobile Field Force also responded to the request for additional units and arrived at Hollywood Boulevard and Cahuenga Boulevard at approximately 1437:05 hours.

Upon their arrival, Sergeant B directed that Mobile Field Force to form a support squad behind his/her skirmish line.

One Mobile Field Force grouped in two columns, behind the skirmish line, and followed the skirmish line as they moved the crowd east on Hollywood Boulevard. Officer B was armed with a 40-millimeter launcher, which was slung around his/her neck and resting in front of his/her body.

According to Officer B, he/she slung the 40-millimeter launcher over his/her right shoulder. A review of Officers C and A's BWV determined that the strap was around the back of Officer B's neck, not over his/her right shoulder.

According to Officer B, he/she loaded the 40-millimeter launcher prior to arriving at scene; however, he/she did not recall exactly when.

At approximately 1440:11 hours, Officer A's BWV captured a large crowd gathered, in front of the skirmish line, on Hollywood Boulevard, as well as on the north and south sidewalks. Additionally, the BWV footage captured Officer A stating, "bottles" as bottles were thrown toward the officers, striking the asphalt around them as they continued to walk east.

According to Officer B, "As we're approaching them (the Tactical Support Element squad) from the rear walking up to assist them, we begin taking rocks, bottles, um, bricks, um, and just random articles being thrown at us." Officer B estimated that approximately 1000 protestors were present. He/she indicated that he/she was struck by a water bottle and rocks; however, he/she was not injured.

According to Officer B, prior to this Department mobilization, he/she had never been involved in a Mobile Field Force outside of Department training.

Sergeant B also observed rocks and bottles being thrown at the officers. Sergeant B heard officers on the skirmish line advising protestors to leave the area, and Sergeant B used his/her bullhorn to also advise protestors to leave the area. Additionally, an Air Unit broadcast that it appeared that rocks and bottles were being thrown at the officers.

According to Sergeant B, he/she did not give a dispersal order, and was uncertain if one was given.

According to Sergeant A, he/she heard officers directing protestors to leave the area but did not recall if a dispersal order was given.

According to Officer B, he/she heard an unknown officer announce a dispersal order over a Public Address System (PA System). In addition, Officer B recalled an Air Unit announce a dispersal order.

Body Worn Video did not appear to capture a dispersal order given around the time of the incident, nor was one documented on the logs for the Air Units. Therefore, investigators were unable to determine if a dispersal order was given at this location.

According to Officer B, "...as we made our way into the intersection we kept yelling, "Move back," you know, keep us telling them, " hey, it's - - it's deemed unlawful assembly, you need to disperse, leave the area, but again, they refused and they remained to stay there at scene."

As captured on BWV, the scene was very noisy as the officers made their way east on Hollywood Boulevard. Although yelling and voices can be heard in the background; it was mostly unintelligible. Therefore, investigators were unable to determine what commands, if any, were given by officers at that time.

When the skirmish line reached the intersection of Hollywood Boulevard and Ivar Avenue, the officers stopped on the west side of the intersection and held their position. According to Sergeant A, an officer requested his/her squad perform a crossbow right and block off Ivar Avenue at Hollywood Boulevard. Sergeant A directed the Mobile Field Force squads to execute the order, and the two squads formed a skirmish line on the south side of the intersection.

According to Officer D, due to the fact there were separate crowds north and south of the skirmish line on Ivar Avenue, he/she directed some of the officers on the skirmish line to face south, while others faced north.

As captured on Officer A's BWV, a male (Subject 1) was standing in the south crosswalk, on Ivar Avenue, in the middle of the intersection. Subject 1 was facing in a westerly direction, while holding the upper corner of a large white banner with his left hand. Subject 1's right hand was raised in the air, above his head. A female (Subject 2) was standing southwest of Subject 1 and was holding the opposite side of the banner.

Subject 1 ultimately declined to be interviewed; therefore, investigators were unable to definitively determine if he was the male depicted on BWV. However, investigators reviewed his Department of Motor Vehicles (DMV) photo and determined that Subject 1 resembled the male captured on BWV.

Officer D observed Subjects 1 and 2 standing near the intersection. According to Officer D, the banner they were holding was large and concealed a portion of the intersection. An image was gleaned from Officer A's BWV and captured Subjects 1 and 2 holding the banner.

The BWVs of Officers A and C captured Officer F approach Subject 2 and grab her left wrist, using his/her left hand. Officer F pulled Subject 2 in a southerly direction, and she released her grip on the banner. Officer F moved Subject 2 to the south side of the crosswalk, south of the skirmish line on Ivar Avenue, and released his/her grip of her wrist.

As captured on Officer A's BWV, Subject 1 grabbed the banner with both hands and pulled it toward his body. As he did so, Subject 1 began walking backward in an easterly direction. Officer E followed Subject 1, who quickly released his left hand from the banner. Subject 1 raised his left hand into the air, while continuing to grip the banner with his right hand. Using his/her left hand, Officer E grabbed the banner and pulled it away from Subject 1. In response, Subject 1 began walking backward, in an easterly direction, with both hands raised in the air.

According to Officer E, "The banner came across me right in front. It was blocking my view. You can see bottles coming over. So I order them to disperse, they stayed, so I grab the banner and attempt to remove to so we could actually see tactically what was going on just north of our location and through the banner." Officer E then placed the banner onto the pavement, south of the skirmish line.

According to the claim for damage form submitted by Subject 1's attorney, Subject 1 did not hear any announcements, warnings, or directions from officers. However, Subject 1's Instagram post stated, "I was holding a banner with one of my friends and without warning an officer started yelling and tore it away from us."

According to Officer E, he/she directed Subject 1 to leave the area; however, Officer E's BWV was not activated during his/her contact with Subject 1. Therefore, the investigation did not determine what commands, if any, were given to Subject 1 at that time.

Officer D approached Subject 1's left side as Officer E was pulling the banner away. As captured by Officer C's BWV, Officer D held the handle of his/her baton with his/her right hand and gripped the long portion of the baton with his/her left hand, holding it in a horizontal position in front of his/her body. Officer D repositioned his/her baton with the long end of the baton extended in front of him/her, pointed toward Subject 1, and

appeared to push the baton toward Subject 1's abdomen area one time. Subject 1 responded by walking backward in a northeasterly direction, with both hands raised in the air.

According to Officer D, his/her intentions were to remove Subject 1 from the area for his (Subject 1's) own safety. Officer D added, "And not only his safety, the officers' safety. We were clearing the - - again, we were clearing the intersection, and he was one of the few last ones in the intersection right there, so we were removing him from the intersection."

According to Officer D, when he/she approached Subject 1, he/she held his/her side-handle baton in his/her right hand, in the carry position, with the long portion of the baton tucked underneath his/her right arm. Officer D added that he/she pushed Subject 1's chest area using his/her left hand; however, he/she was unsure if his/her baton contacted Subject 1 in the process. According to Officer D, his/her intention was to only make contact with Subject 1 with his/her left hand.

A review of Officer D's BWV determined that he/she appeared to push toward Subject 1's abdomen area with the baton. However, investigators were unable to determine whether the baton actually made contact with Subject 1. Neither the Los Angeles Times article nor Subject 1's Instagram post mentioned being struck with a baton. Additionally, the claim for damages form indicated Subject 1 was shoved by an officer but made no mention of being struck with a baton.

Subject 1 stopped just north of the crosswalk, facing in a southwesterly direction, toward the Mobile Field Force skirmish line. Officer A's BWV captured Subject 1 take two steps forward, in Officer D's direction, entering the north side of the crosswalk. According to Officer B, Officer D started to turn away from Subject 1, and he/she believed that Officer D lost sight of Subject 1.

A review of BWV determined that Officer D was faced in a northeasterly direction as he/she pushed Subject 1. After pushing him, Officer D turned slightly toward his/her right, in an easterly direction.

According to Officer B, as soon as Officer D turned, he/she observed Subject 1 advance toward Officer D. Officer B added, "Again, many officers have been injured because subjects had advanced on them. Um, I believe that he [Subject 1] was going to pose some harm, immediate harm to the officer's safety."

Officer B walked in an easterly direction and pointed the 40-millimeter launcher in a northeasterly direction, toward Subject 1. Officer B added, "I thought that he [the Subject] was - - he was running up on [Officer D] to attack [him/her], punch [him/her], push [him/her] with a potential to cause serious bodily injury." Therefore, Officer B fired one round from the 40-millimeter launcher at Subject 1, aiming for his mid-abdomen/naval area.

According to Officer B, a verbal use of force warning was not feasible, since Subject 1 was in close proximity to Officer D and advancing on him/her quickly. The investigation determined that approximately one second elapsed from the moment Subject 1 stepped toward Officer D to the discharge of the 40-millimeter launcher.

Officer B estimated that Subject 1 was within approximately five feet of Officer D when he/she discharged the 40-millimeter launcher. The investigation determined that Subject 1 was approximately six feet away from Officer D at the time.

Officer B estimated that he/she was approximately 10 to 15 feet away from Subject 1 when he/she discharged the 40-millimeter launcher. Based on BWV evidence, the investigation determined that the actual distance between Officer B and Subject 1 at the time the 40-millimeter was discharged was approximately eight feet.

A review of Officer A's BWV determined that Subject 1 did not run toward Officer D. However, he did appear to take two steps in Officer D's direction prior to Officer B discharging the 40-millimeter launcher.

The BWV of Officer A shows that Subject 1 had his left hand up around his face/face mask, and his right hand about chest high with his index finger extended and pointing forward when he stepped toward Officer D and was fired upon with a 40-millimeter Less-Lethal Launcher by Officer B.

Officer A's BWV captured the 40-millimeter round appear to strike Subject 1 in the groin area, and Subject 1 immediately bent forward at the waist. Subject 1 briefly grabbed his groin area with both hands, then lowered his face mask and began yelling at the officers. Subject 1 then turned around and walked east on Hollywood Boulevard.

According to Officer D, he/she did not see Officer B discharge the 40-millimeter launcher, nor did he/she hear it. However, Officer D observed Officer B holding the 40-millimeter launcher and Subject 1 buckle over. This caused Officer D to form the opinion that Subject 1 was struck with a 40-millimeter round.

According to Officer B, following the 40-millimeter deployment, he/she saw Subject 1 bend forward, as if in pain, and was under the impression that the 40-millimeter round struck him. Officer A's BWV captured the deployment of the 40-millimeter launcher and the moments preceding it.

Officers assigned to the Mobile Field Force did not attempt to apprehend Subject 1, nor did they have any further contact with him for.

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
Officer E	No	No	No	NA	NA
Officer D	No	No	Yes	NA	NA
Officer F	No	No	No	NA	NA
Officer B	No	No	No	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 Officers B, D, E, and F's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers D and F's non-lethal use of force to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer B's less-lethal use of force 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 and consisted of one supervisor, Sergeant A, and ten officers. The MFF squad checked out two 40mm LLLs from the kitroom. Officer B obtained a 40mm LLL and was designated as one of the less-lethal officers. Sergeant A stated that he/she conducted a brief at the command post. The brief included a discussion pertaining to tactics and officer safety, in which protesters, on prior occasions, had rioted, looted, and violently attacked officers on the skirmish lines. Sergeant A addressed the officers assigned to less-lethal options and advised those officers to use their best judgement when assessing if they or other officers were being attacked and to be target specific when making the decision to deploy the 40mm LLL. Officer B stated he/she understood his/her role to include protecting his/her fellow officers when agitators “violently resisted” or threatened the safety of the officers.

Assessment – The MFF responded to the area of Cahuenga Boulevard and Hollywood Boulevard to assist Hollywood Division Patrol Officers, who had detained burglary suspects and were being surrounded by a crowd of protesters. Upon arrival, the MFF was designated as a support squad for a TSE. Officers B, D, E, and F encountered a crowd of protesters they assessed to be hostile and violent because the crowd threw rocks and bottles at the officers and yelled threats and profanities.

When the MFF entered the intersection of Hollywood Boulevard and Ivar Avenue to form a skirmish line, officers assessed that Subjects 1 and 2 were in close proximity to the rear of the officers’ skirmish line and that Subjects 1 and 2 were holding a large banner in the intersection. The officers ordered Subjects 1 and 2 to leave the area; however, Subjects 1 and 2 did not comply. Officer E recognized that the banner hindered the MFF from being able to see the hostile actions of the crowd from the opposite side of the intersection and pulled the banner away from Subject 1. Officer D also identified the banner as an obstruction that compromised the ability of the MFF to identify incoming threats. In addition to Officers D and E, Officer F also observed the banner and identified it as an obstruction that compromised the ability of the MFF to safely form a skirmish line in the intersection.

Officer B, who was tasked as a 40mm LLL officer, was visually scanning the area of the MFF as the officers formed a skirmish line on the Hollywood Boulevard and Ivar Avenue intersection. Officer B observed Officer D giving verbal commands to Subject 1. As Officer D turned away from Subject 1, Officer B observed Subject 1 advance quickly towards Officer D’s left side. These observations, along with the prior behavior of the crowd of protestors, led Officer B to the belief that Subject 1 was attempting to attack Officer D.

The BOPC noted that when the MFF entered the intersection of Hollywood Boulevard and Ivar Avenue, there were hostile groups of protestors to the north and to the south of the skirmish line. Officer D noticed the positioning of the crowds and immediately advised the MFF to alternate officers facing north and south. The BOPC additionally noted the officers worked together to remove the few protestors that remained within the intersection and to remove the banner, which blocked the MFF’s view of the violent protestors to the north of the skirmish line.

Time – As the MFF moved into the intersection of Hollywood Boulevard and Ivar Avenue to form a skirmish line, they were limited in the element of time to de-escalate the situation. Officers D, E, and F observed Subjects 1 and 2 approaching the rear of their skirmish line, while holding a large banner that blocked their view of the hostile crowd positioned north of their skirmish line. Officers D, E, and F reacted quickly to remove Subjects 1 and 2 from the skirmish line and to remove the banner, which caused a tactical disadvantage to the officers on the skirmish line. Officer B was limited in his/her ability to use time to de-escalate the situation, in which he/she perceived Subject 1's advancement toward Officer D with the intent to cause harm to Officer D.

The BOPC noted the limited amount of time afforded to the officers as they formed the skirmish line. The interaction with Subjects 1 and 2 developed suddenly and rapidly. The BOPC noted the officers did issue commands to leave the area in that limited amount of time and worked together as a unit to quickly remove the threats posed by Subjects 1 and 2 approaching their skirmish line and holding up a banner that blocked their view.

Redeployment and/or Containment – As the MFF formed a skirmish line to control at the intersection of Hollywood Boulevard and Ivar Avenue, the limited time afforded to them did not allow them to redeploy in reference to the actions of Subjects 1 and 2.

In reference to the hostile crowd of protesters, the MFF formed a “crossbow right” skirmish line along the south side of Hollywood Boulevard at Ivar Avenue, while the TSE held the skirmish line along the west side of Ivar Avenue, at Hollywood Boulevard. The purpose of that crowd control technique was to control/contain the protesters at the intersection.

The BOPC noted there could have been better coordination by the MFF squad supervisor and the TSE squad leader in containing the protesters at the intersection. The BOPC noted they were limited in their personnel at the time they formed a “crossbow right” skirmish line, however they were able to quickly coordinate and successfully guide the protesters north on Ivar Avenue from Hollywood Boulevard.

Other Resources – This incident occurred during a prolonged period of civil unrest. The Department had been mobilized to provide additional staffing in order to restore order to the City of Los Angeles. However, multiple areas of civil unrest limited the number of officers that could be deployed to one area of the city.

The BOPC noted the mobilized status of the Department and the widespread civil unrest in the City of Los Angeles as a factor that limited the deployment of additional officers and resources.

Lines of Communication – The MFF and the TSE continuously communicated with the crowd of protestors as they moved eastbound on Hollywood Boulevard and when they were at the intersection of Hollywood Boulevard and Ivar Avenue. In addition,

the officers of the TSE and the officers of the MFF communicated with each other 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, for example, when Officer A and other officers warned the MFF officers that there were bottles being thrown at them from the crowd of protestors.

The BOPC noted that the MFF and the TSE gave numerous commands verbally, a portion of which were amplified by bullhorns, for the crowd to disperse before the MFF was sent to form a skirmish line along the southern portion of the Hollywood Boulevard and Ivar Avenue intersection.

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

1. Crowd Control and Dispersal

In the event a group or portion of a group becomes involved in violent or riotous behavior, the mission of the Department is to protect lives and property, and restore conditions to normal as rapidly and efficiently as possible. The rapid deployment of forces to contain and arrest those responsible for violent, riotous, or unlawful behavior and the dispersal of unlawful groups will help accomplish the Department's crowd control primary objectives. When circumstances require crowd dispersal, the dispersal should generally not occur until control forces are in place to assist managing the dispersed crowd, as unlawful conduct is extremely dynamic and mobile. Crowd dispersal strategies should only be used when immediate action is necessary to stop violence and/or property damage and/or sufficient resources are not present to ensure public safety (Los Angeles Police Department Use of Force-Tactics Directive, Crowd Management, Intervention, and Control, Directive No. 11, June 2011 4, Section 120.40).

In this incident, the MFF initiated a "crossbow right" to form a skirmish line at the intersection of Hollywood Boulevard and Ivar Avenue. Officers B, D, E, and F recognized that a large banner, held by Subjects 1 and 2, obstructed the ability of the MFF to view the hostile crowd that was arrayed along the east and north side of the intersection. Numerous verbal commands to leave the area were given by the officers at scene, however these commands were disregarded by Subjects 1 and 2. Subjects 1 and 2 were of the few protestors that remained inside of the intersection, as the mass of protestors moved just north, east, and south of the intersection. The crowd of protestors remained hostile as they continued to throw rocks and bottles at the officers. Officer F observed Subject 2 holding a large white banner with other individuals. Subject 2 was behind the skirmish line (north side) and came within a foot of Officer F. In an effort to be able to see the actions of the violent protestors on the north and east sides of the intersection, Officer F utilized a firm grip to Subject 2's left wrist and used physical force to guide Subject 2 to the area south of their skirmish line. Officer E observed the banner was

blocking his/her view, as well as the view of his/her skirmish line, and of the bottles being thrown by the protesters to the north of the skirmish line. Officer E had ordered Subjects 1 and 2 to disperse, and when they did not, he/she moved forward and pulled the banner from the grasp of Subject 1. Officer D utilized an open-handed single hand push to guide Subject 1 out of the area, as he was too close to the rear of the skirmish line.

The BOPC discussed that the crowd control tactics of Officers B, D, E, and F were objectively reasonable and within Department policy. The BOPC noted that per the LAPD Crowd Control Policy, officers are allowed to use force to move uncooperative protestors during crowd control situations, such as the incident that Officers B, D, and E were involved in. The officers were able to utilize force such as pushes, firm grips, general physical force, and less-lethal force to establish skirmish lines and safeguard the skirmish lines from uncooperative protestors who did not follow verbal instructions and commands. While Officer E did not utilize force on Subject 1 or Subject 2, the removal of the large banner that blocked the view of and hindered the ability of the MFF to protect themselves from incoming threats was reasonable to ensure the safety of the MFF. Officer E's decision to utilize force to remove the banner from Subject 1's grasp fell under the same crowd control, intervention, and control policy, as Officers D and F utilized non-lethal force to remove Subjects 1 and 2 from the area immediately adjacent to the skirmish line. The BOPC additionally noted that the decision of the officers to remove the banner from Subjects 1 and 2 was a tactical decision and not one that intended to violate any of their First Amendment rights to exercise free speech.

Based on the totality of the circumstances, the BOPC determined that Officers B, D, E, and F's crowd control actions were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 1. **Non-Medical Face Coverings** – Officers B, D, E, and F made contact with the public in a crowd control setting and did not don non-medical face coverings, as directed by the Chief of Police on May 14, 2020, and May 20, 2020, for health and safety concerns related to the Covid-19 pandemic. The officers were engaged in a prolonged crowd control situation requiring clear and concise verbal communication. Although the wearing of the face coverings would hinder the officer's ability to communicate with other officers or citizens, officers were reminded that it is necessary to don the face covering for safety reasons.
 2. **Dispersal Orders** – The response of the MFF and TSE to assist patrol officers who were handling a burglary call and were being surrounded by a large group of protestors placed them in a turbulent environment in which protestors assaulted the officers with rocks and bottles. Although MFF and TSE officers issued commands for the protestors to leave the area, the FID investigation was unable to determine if a dispersal order was given at the time or in the vicinity of the LERI

incident. Sergeant B stated that he/she did not give a dispersal order and was uncertain if one was given. According to Sergeant A, he/she heard officers directing protestors to leave the area but did not recall if a dispersal order was given. According to Officer B, he/she heard an unknown officer announce a dispersal order over a PA System and additionally recalled that an Air Unit had announced a dispersal order.

3. **Use of Force Warning** – Officer B did not provide a Use of Force Warning to Subject 1 prior to firing the 40mm LLL. Officer B stated that due to the speed of Subject 1's approach toward Officer D and the close proximity, approximately five feet, a verbal warning was not feasible.
4. **Target Acquisition** – Officer B observed Subject 1 advance toward Officer D's left side and believed that Subject 1 was going to attack Officer D. Officer B aimed his/her 40mm LLL at Subject 1's navel area and fired one 40mm LLL round. Officer B struck Subject 1 in his/her groin area.
5. **Rendering Medical Treatment** – Officer B, after firing a single 40mm LLL round at Subject 1, observed Subject 1 hunch forward, leading Officer B to believe he/she had struck Subject 1 with the discharged 40 mm LLL projectile. Officer B observed Subject 1 retreat into the crowd of citizens in front of Officer B. Officer B stated that he/she was unable to observe Subject 1 in the crowd. Officer B therefore did not request medical treatment for Subject 1.

These topics are to be discussed at the Tactical Debrief.

- 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 Officers B, D, E, and F's actions were not a deviation from approved Department tactical training, thus requiring a finding of Tactical Debrief.

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

The BOPC found Officers B, D, E, and F's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

During crowd control situations, police officers may be required to physically engage

individuals who exhibit conduct ranging from uncooperative to violent behavior. In these situations, officers may have to utilize force to move crowd members who do not respond to verbal directions, control violent individuals, or to effect an arrest. When the use of force is appropriate in a crowd control situation, only that force reasonable to make an arrest or disperse a crowd should be used.

There are no exceptions to the Department's Use of Force Policy for crowd control situations. Officers may use only that force which is objectively reasonable. Verbalization should be used throughout the operation in an attempt to gain compliance. In determining the appropriate amount of force, officers shall evaluate each situation in light of the facts and circumstances of each particular case, including, but not limited to the seriousness of the crime(s), the level of threat or resistance presented by the individual(s) and the danger to the community.

- **Officer F – (Firm Grip and Physical Force)**

According to Officer F, as he/she and the MFF entered the intersection to form a skirmish line, officers were giving commands to leave the area. Officer F noticed that there were protesters to the north and south of Hollywood Boulevard and an extremely large crowd of protesters east of the intersection. Officer F felt uncomfortable because the skirmish was being established to face south and there would be protesters to the rear of the officers. Officer F observed Subject 2 holding a large white banner with other individuals. Subject 2 was behind the skirmish line (north side) and came within a foot of Officer F. In an effort to see the actions of the violent protesters on the north and east sides of the intersection, Officer F removed the banner and utilized a firm grip on Subject 2's left wrist and used physical force to "guide" Subject 2 to the area south of their skirmish line, at which point Officer F released his/her grip from Subject 2's wrist.

The BOPC discussed that Officer F was aware of a large and hostile crowd to the north and south of the MFF. Additionally, Officer F observed Subject 2 holding a large banner and moving into close proximity of the rear of the MFF skirmish line. Officer F believed the banner would obscure his/her vision and that of his/her skirmish line, and he/she would be unable to see the actions of the violent crowd behind the skirmish line.

- **Officer D – (Physical Force)**

According to Officer D, he/she observed Subject 1 holding a large banner and moving toward the rear (north side) of their skirmish line. Officer D ordered Subject 1 to leave the area. Subject 1 did not leave the area and proceeded to move into close proximity of the MFF skirmish line. Officer D utilized a one-handed open hand push with his/her left hand to guide Subject 1 away from the skirmish line. Officer D stated his/her intentions were to remove Subject 1 from the area for Subject 1's safety, but also for the officer's safety.

Officer D stated, "We were clearing the intersection, and [Subject 1] was one of the few last ones in the intersection right there. So we were removing him from the intersection." According to Officer D, when he/she approached Subject 1, he/she held his/her side-handle baton in his/her right hand, in the carry position, with the long portion of the baton tucked underneath his/her right arm. Officer D added that he/she pushed Subject 1's chest area using his/her left hand; however, Officer D was unsure if his/her baton contacted Subject 1 in the process. According to Officer D, his/her intention was to only make contact with Subject 1 with his/her left hand.

The BOPC noted that Officer D was allowed, per the LAPD Crowd Control Use of Force-Tactics Directive, to use force to move uncooperative protestors that did not respond to verbal commands. Officer D had observed that the protestors were in close proximity to the rear of the MFF skirmish line and were holding up a large banner. The protestors were also not cooperative when Officer D and other officers ordered them to leave the area.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officers D and F's uses of non-lethal force. The BOPC noted that per the LAPD Crowd Control Use of Force-Tactics Directive, officers are allowed to use reasonable force to move uncooperative protestors during crowd control situations, such as the incident that Officers D and F were involved in.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers D and F, would reasonably believe Subjects 1 and 2's actions in a crowd control environment necessitated the use of non-lethal force to ensure the safety of the officers engaged in crowd control actions.

The BOPC found Officers D and F's non-lethal use of force to be In Policy.

C. Less-Lethal Use of Force

The Department's Use of Force, Tactics Directive regarding the use of the 40mm Less-Lethal Launcher indicates that, "...consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when: An officer reasonably believes that a suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm." The directive also states, "An officer may use the 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."

Regarding situations in which less-lethal force is prohibited, the Tactics Directive states, "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 do not alone justify the use of Less-Lethal force."

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

Body Worn Video footage of Subject 1's actions leading up to the use of less-lethal force by Officer B shows the following:

As officers approached Subject 1 in the intersection of Hollywood Boulevard and Ivar Avenue, he and Subject 2 were holding a banner. Subject 2 was removed from the intersection, at which point she released her hold on the banner. Then, Officer E moved briskly towards Subject 1, who walked backwards away from Officer E while holding the banner in his right hand and raising his empty and open left hand. As Subject 1 continued to move backwards and away, Officer E pulled the banner away from him.

Immediately thereafter, Officer D pushed Subject 1 in the area of his midsection. Subject 1 reacted by bringing his elbows and forearms in to cover his midsection while keeping his empty hands open and shoulder high. After having been pushed backwards, Subject 1 held up both of his empty and open hands around shoulder height. Subject 1 then moved his left hand near his face/face mask and held his right hand about chest high with his index finger extended and pointing forward. He then took two steps forward and was fired upon with a 40-millimeter Less-Lethal Launcher by Officer B. After having apparently been hit by the 40mm projectile, Subject 1 bent forward at the waist and briefly grabbed his groin area with both hands. He then stood back up while lowering his face mask with his left hand, and he pointed forward with his right index finger. At that time, a female stepped in front of Subject 1 and raised her open hands above her head while Subject 1 walked away behind her, heading eastbound on Hollywood Boulevard.

As described in FID's report, Officer B said that he/she "observed Subject 1 advance toward Officer D," and, "...thought that he [Subject 1] was - - he was running up on [Officer D]...". FID's report also notes that, "A review of Officer A's BWV determined that Subject 1 did not run toward Officer D. However, he did appear to take two steps in Officer D's direction prior to Officer B discharging the 40-millimeter."

In addition to revealing what Subject 1 did during his encounter with officers, BWV footage also reveals what he did not do. For example, he did not assume a fighting stance, clench his fists, or issue any verbal threats. Additionally, while the FID summary includes references to an armed burglary of a store, and to demonstrators throwing rocks, bottles, and bricks prior to the use of force occurring, it is notable that none of those actions were attributed to Subject 1. Indeed, there is no evidence to indicate that Subject 1 was involved in any of those activities, or that he was observed by officers doing anything other than holding a protest banner prior to when he was approached and contacted by the involved officers.

The available evidence does not support that Officer B had an objectively reasonable basis for interpreting Subject 1's movements at the time of the less-lethal use of force as posing an immediate violent threat to Officer D or anyone else. The two steps

forward taken by Subject 1 (after his banner had been pulled away from him) may have represented non-compliance on his part, but they did not constitute an immediate threat of violence or physical harm that would authorize the use of less-lethal force. Officer B's use of less-lethal force was therefore inconsistent with the Department's use of force policy and the associated training standards for the use of the 40mm Less-Lethal Launcher. Accordingly, the BOPC found Officer B's less-lethal use of force to be Out of Policy.