

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

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on June 14, 2011.

Incident Summary

A local sports team was preparing to play a game in town. In preparation for the game, Department personnel from various divisions were designated to police the event and the surrounding area. A written Event Action Plan (EAP) was prepared for the event. All the officers involved were in plainclothes.

Sergeant A was designated to handle communications and was equipped with a radio that was concealed and configured with an external speaker/microphone attachment. Additionally, Sergeants A and B each wore a backpack that contained equipment that included an extra radio, collapsible batons, OC canisters, extra handcuffs and body armor.

According to Sergeant A, their mission was to identify groups of people that could be inciting riots and vandalizing property, including starting fires.

One team met with their uniformed component so that the uniformed officers would be able to identify the undercover officers in the crowd. Sergeant B exchanged phone numbers with the supervisors from the uniformed teams.

After roll call, one team drove to a business parking lot and monitored the progress of the game on the radio.

Meanwhile, Captain A had deployed uniformed personnel in designated sectors. Halfway through the game, Captain A received reports of crowds gathering around the venue. Captain A notified the Command Post (CP) that he had redeployed some of his resources to the intersection. One squad of uniformed personnel had closed the south side of the street and another squad was deployed at the northwest corner of another intersection to protect a private business.

Captain A then directed the one team to proceed to the area of crowd to gather intelligence. Captain A heard a broadcast of a "415 group" north of their location, and heard that some personnel were pushing the crowds south. Captain A directed Sergeant A to take his team to the location and investigate further.

Upon arriving at the location, Sergeant A's team observed a large crowd of approximately 150 to 300 people. There was also a skirmish line comprised of approximately 20 uniformed officers that stretched across the intersection. The crowd

was congregating in the intersection, approximately 10 to 20 feet away from the skirmish line.

The team crossed the street and moved toward the west sidewalk. As they monitored the crowd, the team observed the following: Sergeant A and Officer A observed possible gang members in the crowd throwing gang signs; Officer B observed people drinking beer and screaming; Officers C and D observed people drinking beer and people smoking marijuana; and Officers B, E, and C observed people throwing beer and yelling profanities at other fans who were making their way out of the crowd.

Officer D advised the team that they needed to spread out so they didn't stand out. The team then spread out from east to west and continued to monitor the crowd. Officer D believed they monitored the crowd for approximately 30 to 45 minutes.

Events leading to the uses of force

Sergeant A

According to Sergeant A, at one point, he observed a bottle and a firework being thrown at the officers in the skirmish line.

Sergeant A broadcast that the crowd was throwing rocks and bottles at motorcycle officers.

Sergeant A directed his team to move into the crowd to identify the individuals throwing the objects. Sergeant A observed a male climb on the roof of a bus stop shelter. The unidentified male began throwing gang signs and began jumping up and down on the roof the bus shelter. Other males began jumping on the bus bench and unoccupied vehicles nearby.

Sergeant A requested a Mobile Field Force (MFF) at the location, on the east side of the street. The CP acknowledged the request.

Sergeant A then observed other unidentified males vandalizing an advertisement display kiosk located approximately 20 feet north of the bus stop shelter. Sergeant A observed one of the males, subsequently identified as Subject 1, use his skateboard to strike the glass, eventually causing it to shatter. When the glass shattered, the crowd cheered. Sergeant A then observed Subject 1 pickup a shattered piece of glass and another unidentified male pick up a larger piece of glass. Sergeant A believed Subject 1 was now a threat to the crowd.

Sergeant A observed that the skirmish line of motorcycle officers was approximately 10 feet north of their location.

Sergeant A directed Officer B, who was standing to his right, to take Subject 1 into custody. Officer B approached Subject 1 from behind and grabbed him in a bear hug fashion. According to Sergeant A, he heard Officer B say, "Hey, LAPD. Relax, relax."

When members of the crowd observed what was happening, they became agitated and began advancing on the officers. The officers formed an arrest circle, with Sergeant A taking a position on the east side of the circle. Sergeant A displayed his badge, drew his pistol and identified himself as a police officer. Sergeant A directed the crowd to move back. According to Sergeant A, two males approached the west of the arrest circle and Sergeant A believed the males were attempting to remove Subject 1 from police custody.

Sergeant A then observed an unidentified male, approximately 15 feet east of him, gesturing to his friends while stating, "Come on, come on, come on." Sergeant A believed that officers were going to be hurt. Sergeant A pointed his pistol at the unidentified male and stated, "Get back. LAPD, get back, get back." According to Sergeant A, a group of males began advancing toward him. Sergeant A raised his pistol in the air and fired a warning shot.

The unidentified males and the crowd immediately dispersed, and the officers were able to take the subjects in the arrest circle into custody. After the crowd dispersed, Sergeant A holstered his pistol.

Officers B and F

Officer B observed people punching and kicking the advertisement kiosk, and Subject 1 hitting the kiosk with his skateboard. Soon afterward, the glass shattered. Officer B indicated that Sergeant A advised him that Subject 1 was a threat and to remove him from the crowd.

Officer B stepped on the sidewalk and grabbed Subject 1 from behind in a bear hug. Subject 1 dropped the skateboard and began struggling by throwing his elbows and kicking. Officer B told Subject 1, "Police. Police. Police." Officer B attempted to drag Subject 1 toward the skirmish line, but the crowd began closing in on the officers.

Officer F arrived to assist Officer B and applied a firm grip to Subject 1's right arm. When Officer B could not hold Subject 1 any longer, he decided to take Subject 1 down to the ground. Subject 1 landed on the ground, face down, with his arms tucked underneath his body. Officer B attempted to remove Subject 1's arms from underneath him, but Subject 1 resisted his efforts.

Officer F removed his badge from his pocket, placed it in front of Subject 1's face and stated, "We're the police. Go with the program. We're the police." Officers B and F applied their combined bodyweight on Subject 1's back. Subject 1 continued to resist and conceal his arms underneath his body. Officer F delivered five punches to Subject 1's right shoulder area; however, this proved ineffective. According to Officer F, as he tried to grab Subject 1's wrist again, somebody fell on top of him.

As Officer B struggled with Subject 1, he felt punches incoming from people in the crowd. Officer B continually checked his holster to make sure no one had taken his

firearm. Officer B applied three to five knee strikes to Subject 1's back, then applied approximately 10 punches to Subject 1's left shoulder and triceps area.

Officer F reached for the TASER in his pocket and felt that it was gone. Officer F checked his holster and felt that his gun was still there. Officer F looked east and saw a TASER on the ground, approximately 10 feet away. Officer F felt that Officer B had control of Subject 1. Officer F stood up and retrieved the TASER on the ground. As he got closer to the TASER, he also observed a police radio on the ground and retrieved it.

Officer F returned to assist Officer B, applied a lateral head displacement to Subject 1, gained control of Subject 1's right wrist and applied a wristlock. Officer B applied a firm grip to Subject 1's left arm and placed it behind Subject 1's back. As the officers were applying handcuffs to Subject 1, Officers F and B heard a loud bang/pop and believed it was a firecracker. According to Officer B, Subject 1 continued to struggle for another 30 seconds before he finally complied and was handcuffed. Officer B observed other officers in his unit struggling with another subject. Officer B approached the officers and assisted them with taking that subject into custody.

Meanwhile, Officer F noticed that the crowd had dispersed and he observed three motorcycle officers northwest of his location standing by their police vehicle. Officer F also observed other officers in his unit still struggling with another subject. Officer F stood Subject 1 up and escorted him to the police vehicle, while Officer B went to assist the other officers.

Sergeant B

Sergeant B observed an unidentified male jumping on top of the advertisement kiosk and another unidentified male kicking it. Sergeant B then observed Subject 1 hitting the glass with his skateboard. When the glass broke, the crowd went crazy. Sergeant B was looking at the crowd northeast of his location. From the corner of his right eye, he saw Officers B and F struggling with Subject 1 on the ground. Sergeant B directed the team to form an arrest circle around Officers B and F. Sergeant B also joined the arrest circle and identified himself as a police officer.

Sergeant B observed a male, subsequently identified as Subject 2, and Officer C pushing each other back and forth. Sergeant B also observed an unidentified male pushing Officer G. Sergeant B assisted Officer G by pushing the unidentified male back. Sergeant B could hear people in the crowd yelling obscenities to them. When Sergeant B saw Subject 2 again, it appeared that his eyes were locked on Officer C.

After being pushed by Sergeant B, Subject 2 punched Sergeant B on his left cheek/jaw area with a closed fist. Sergeant B attempted to return a punch, but was caught first by another punch from Subject 2's right hand that struck him in the chin and caused him to stumble backward and land on Officers B and F, who were still on the ground taking Subject 1 into custody. Sergeant B then observed Subject 2 coming toward him. In response, Sergeant B grabbed onto Subject 2's jersey and attempted to stand up. As he did so, Sergeant B was struck with a punch on the left side of his face by someone

from the crowd. Sergeant B then heard one gunshot and believed one of the gang members in the crowd possibly had a gun. The crowd dispersed after the gunshot, but Subject 2 continued to fight Sergeant B.

Sergeant B felt someone grab his backpack and yank him around. He then saw other officers grab Subject 2. Sergeant B stood up and punched Subject 2 approximately 10 times in the face with his closed right fist. According to Sergeant B, because he was still getting yanked around by his backpack and with everyone moving, none of his punches made solid contact. Subject 2 then went to the ground, facedown with his hands tucked underneath his body. Sergeant B ordered him to, "Get your hands out, put them behind your back." Subject 2 would not comply and, as a result, Sergeant B delivered approximately 5 to 10 punches to Subject 2's upper body and face. Sergeant B then placed a knee on Subject 2's upper left shoulder. Subject 2 was then handcuffed, although Sergeant B could not recall by which officer.

Officer C

Officer C observed Subject 1 break the glass on the advertisement display kiosk with his skateboard and then walk south. Officer C noticed Officer B to his left looking at Subject 1 and believed that they were just going to monitor him. Officer C then observed Officer B walk up behind Subject 1 and grab him in a bear hug, and Officer F coming to Officer B's aid. Officer C observed two males who were with Subject 1 begin to approach Officers B and F. Officer C approached the two males, pulled out his badge and said, "Police." The two males placed their hands up, said, "Okay," and backed away. Officer C then joined other officers in forming an arrest circle.

According to Officer C, the crowd began approaching the officers, stating, "What's going on? What's happening? What are you guys doing?" Officer C continued to display the badge in his hand and directed the crowd to "Get back." Officer C believed the arrest circle began to collapse as the crowd closed on them.

Officer C looked behind him and observed a male, subsequently identified as Subject 3, approach Officer F who was on the ground. Officer C went over to Subject 3, pushed him away from Officer F and stated, "Hey, get back. Police." According to Officer C, Subject 3 responded, "I don't care who you are. Don't touch me," and pushed him back. Officer C observed that Subject 3's fists were clenched. Officer C placed his badge back in his pocket and then observed Sergeant B push Subject 3 back while stating, "Get back." Simultaneously, Officer C observed another male, Subject 2, punch Sergeant B in the face, which caused Sergeant B to stumble backward and react by grabbing onto Subject 2's jersey.

Officer C observed Subject 2 throw another punch, and then observed Officers A and D fighting with Subject 2. Officer C saw Officer D delivering punches to Subject 2's body and Sergeant B throw one punch at Subject 2. Officer C also threw one punch at Subject 2 and then diverted his attention back to Subject 3. Officer C observed someone pushing Subject 3 away from them, so he turned his attention back to Subject 2 and delivered more punches to his face and body. The officers continually ordered

Subject 2 to, "Get down. Stop fighting." As they were fighting with Subject 2, Officer C heard a loud firecracker sound, looked around, but did not see anything. Officer C continued to assist Officer D and Sergeant B and threw another punch at Subject 2.

Officer C then observed Officer G draw his pistol and point it toward the crowd south of their location. Officer C looked north and observed a uniformed motorcycle officer trying to unholster his gun. Officer C displayed his Department identification to the motorcycle officer. Officer C observed the motor officer raise his hands up indicating that he understood. The skirmish line began to move south, passing the team of officers, and began to move lingering members of the crowd toward another intersection.

Officer C looked back and observed officers still struggling with Subject 2. Officer C approached the group and placed a knee on Subject 2's back until Subject 2 was handcuffed. Subject 2 was escorted to his feet and then walked over to a police vehicle northwest of their location. Officer C then realized that the police radio he had in his jacket pocket, and his handcuffs, were missing. Sergeant A advised him he had picked up his radio. Another officer told him that someone from the crowd had taken the handcuffs.

Officer H

Officer H observed two males jump on top of the advertisement kiosk and then heard the glass breaking. Officer H was getting pushed and shoved in the crowd. When he turned around, he saw Officer B on the ground with Subject 1. Officer H joined the arrest circle and yelled, "LAPD. Get back. We're officers." Someone from the crowd pushed Officer H, causing him to trip over Officers B and F, who were on the ground with Subject 1. Officer H got up and pushed the crowd back. When Officer H looked back, he observed another male, Subject 2, grabbing onto Sergeant B's waist, and Officer D was on Subject 2's back attempting to get Subject 2's arms behind him. Officer H then heard one gunshot southeast of him and saw the crowd disperse. Officer H approached Sergeant B and Officer D and grabbed Subject 2's left shoulder area. Officer H then delivered approximately four knee strikes to Subject 2's left shoulder, trying to facilitate control of his arm. Officer H observed Sergeant B and Officer D punch Subject 2. Officer H removed his handcuffs from his rear pocket and Officer C arrived and completed handcuffing Subject 2.

Officer A

Officer A observed Subject 1 hitting the advertisement kiosk and then heard the glass break. Officer A was standing next to Officer D, while the rest of the Shadow Strike Team officers were in front of them. Officer A saw Sergeant A turn around and say something to one of the officers. The message got relayed from one officer to another and Officer A learned that Sergeant A had advised that a MFF was on its way, and that they should move southeast toward the sidewalk.

When Officer A looked back, he observed Officers B and F on the ground struggling with Subject 1, and Officer C with his badge out forming an arrest circle. Officer A took

a position next to Officer C. Officer A saw another male, Subject 3, in front of Officer C and heard him (Subject 3) state, "Don't touch me. I don't care who you are." Officer A displayed his badge and stated, "Police. Police. Back up," and then put his badge away. Officer A smelled alcohol on Subject 3's breath.

Officer A then turned his attention to another male, Suspect 2. According to Officer A, Subject 2 cocked his arm to throw a punch at him. Officer A saw Sergeant B from the corner of his eye come between him and Subject 2 to push Subject 3 back. At that point, Subject 2 punched Sergeant B in the face, which caused Sergeant B to stumble back and grab onto Subject 2's jersey. Subject 2 threw another punch that struck Officer A on his left eye. Officer A returned approximately three to four punches to Subject 2's face. Officer A tripped over Officer F, who was behind him, and saw Subject 2 fall to the ground. Officer A then heard a gunshot coming from behind him and the crowd dispersed south. Officer A drew his pistol, believing someone from the crowd may have fired a gun. Officer A displayed his badge and ordered the crowd to move back. Officer A then observed two uniformed motorcycle officers approximately eight to 10 feet away, but they stood their ground and looked unsure whether to move up or not. Officer A then heard officers on the ground struggling with Subject 2 stating, "Stop resisting. Stop resisting. Give us your hands." Officer A assisted the officers by placing his knee on Subject 2's back and reaching underneath his body to pull his right arm out. Subject 2 was then handcuffed, stood up, and escorted behind the skirmish line.

Officer D

Officer D was told by Officer A that they were moving because a MFF was coming over to move the crowd. Officers D and A then observed a commotion approximately 30 to 45 feet east of them and realized that their team of officers were involved in a fight. Officer D joined the arrest circle and confronted an unidentified male who was trying to push the officers. Officer D told the male that he needed to back up because they were police officers. The male complied.

Officer D then observed Subject 2 punch Sergeant B in the face, which caused Sergeant B to stumble backward. Officer D stepped forward and delivered a closed-fist punch to the left side of Subject 2's face. Subject 2 turned to Officer D and threw punches, which hit Officer D's arms. Officer D observed Subject 2 grab Sergeant B around the waist and believed that Subject 2 was preparing to pick up Sergeant B and drop him to the ground head first. To prevent him from doing so, Officer D delivered another four to five closed-fist punches to Subject 2's face, which caused him to release Sergeant B. During the fight, Officer D heard what sounded like a firecracker. Subject 2 went down on one knee. Officer D grabbed Subject 2 and they both fell to the ground with Subject 2 on top of him. Other officers assisted and placed Subject 2 on the ground where he continued to struggle. Officer D delivered two knee strikes to Subject 2's right torso. Subject 2 stopped resisting and was taken into custody.

Officer D saw the skirmish line and heard officers yelling, "Hey, we're cops. We need help. Can you push the line forward," but the skirmish line did not respond.

Officer D stood Subject 2 up and walked him past the skirmish line over to a police vehicle northwest of their location.

Officer E

Officer E heard people banging on the bus stop shelter and heard glass shattering. Officer E observed a male climb on top of the bus stop shelter and throw gang signs. According to Officer E, he was closer to the west side the street and at this point did not know where his team was. Officer E then observed Officers B and F struggling with a male (Subject 1). Officer E began to make his way toward Officer B. According to Officer E, there were approximately 30 people between him and Officers B and F.

When Officer E got closer, he saw officers forming an arrest circle and observed Officer C with his badge out telling people, "LAPD, police, get back." The crowd began closing in on the officers. Officer E observed two males, Subjects 2 and 3, in a pushing match with Officer C. According to Officer E, Subjects 2 and 3 yelled at them, and had their fists clenched.

Officer E joined the arrest circle and pushed approximately four to five people back while yelling, "LAPD, get back, police, get back." Officer E observed Officer G pushing a large male and assisted him with pushing the male back. When Officer E looked behind him, he observed officers in a fight with Subject 2. Officer E assisted the officers by punching Subject 2 approximately five times in the upper shoulder, neck and back area. When Subject 2 went to the ground, he diverted his attention back to the crowd. As he was assessing the crowd, an unidentified person punched Officer E in the face, causing him to lose his footing and fall to his knee. Officer E observed something fall to the ground and he checked his holster to make sure that his firearm was still holstered. Officer E felt the crowd coming in closer toward him, so he took out his handcuffs, stood up and began swinging his handcuffs at the crowd to fend people off. Officer E began reaching for his Oleoresin Capsicum (OC) spray and then heard a "pop" from behind him. Officer E did not realize it was a gunshot, but heard someone from the crowd yell something to the effect of, "[He] has a gun." The crowd began to disperse southbound.

Officer E realized that his nose was bleeding. Officer E observed Subject 1 still struggling with the officers. Officer E assisted the officers by placing his knee on Subject 1's upper back. Subject 1 was handcuffed by the officers.

Officer E looked up and observed the skirmish line approximately 15 to 20 feet north of their location. According to Officer E, the skirmish line had not moved up to assist them.

Officer I

Officer I observed a male jumping on top of the advertisement kiosk and observed Subject 1 hitting the kiosk with his skateboard. Officer I heard the glass from the advertisement kiosk break, but did not see who had done it. Officer I felt someone bump into him and realized it was Officer B, who was now involved in a struggle with

Subject 1. Officer I joined the arrest circle, pulled his badge out, identified himself as a police officer, and pushed people away while telling them to get back.

Officer I observed Subject 1's skateboard in the way of the officers who were struggling with Subject 1. Officer I bent over, picked up the skateboard, and threw it aside to give the officers some space. Officer I then observed officers struggling with Subject 2. In an attempt to take Subject 2 to the ground, Officer I grabbed Subject 2 by his right leg as other officers grabbed him by his torso. Subject 2 went down to the ground and continued to fight the officers. Officer I delivered three to four punches to Subject 2's lower back with his closed right fist. Officer I then heard one gunshot, but did not know where it had come from. Officer I stood up and observed that a majority of the crowd had dispersed. Officer I began push back the people who were still hovering around. Officer I observed the skirmish line was close by and asked the officers for help, but the skirmish line officers did not move. Subject 2 was subsequently handcuffed and walked over behind the skirmish line. Officer I then heard Sergeant A state, "I shot off a warning shot."

Officer G

Officer G observed a male jumping up and down on the advertisement kiosk and other males running up and kicking it. Shortly thereafter, the lights from the advertisement kiosk went out. Officer G then observed a fight break out east of him and realized that officers from his unit were involved. Officer G joined the arrest circle, displayed his badge and pushed people back while he yelled, "LAPD. Get back. Get back. Get back." Officer G then heard a gunshot which he believed may have come from someone in the crowd. The crowd dispersed after the gunshot. Officer G drew his pistol and scanned the crowd for anyone who was armed with a firearm. Officer G then observed the officers on the skirmish line move forward, as the team of officers continued to struggle with a suspect. Officer G holstered his pistol. Officer G observed Officer E bleeding from the nose and asked an officer to request a rescue ambulance (RA).

Events following the warning shot

Sergeant D learned that Sergeant A had fired a warning shot and separated the officers. Sergeant D obtained a public safety statement from Sergeant A. Shortly thereafter, Captain A arrived at the scene and later determined that investigators were not going to respond. The separation and monitoring protocols were then terminated.

Two RAs were requested to respond to the location. Officers E and I were subsequently transported in one RA to a hospital for their injuries. Officer C was treated for a nasal fracture. Officer I was treated for a sprained right little finger.

Paramedics administered emergency medical treatment to Subject 2 for head trauma and a bloody nose. Subject 2 was subsequently transported to the hospital in the other RA. Hospital personnel examined Subject 2 and noted a contusion to his forehead and

under his right eye, as well as dried blood in his nose. A CT scan returned negative for facial fractures.

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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Sergeants A and B's tactics, along with those of Officers A, B, C, D, E, F, G, H, and I, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, C, and D's drawing and exhibition of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Sergeant B's, along with Officers A, B, C, D, E, F, G, H and I's, use of non-lethal force to be in policy.

D. Lethal Use of Force

The BOPC found Sergeant A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 1. Tactical Deployment / Use of Uniformed Arrest Teams

In this instance, Sergeant A watched as the actions of the gathering crowd escalated from celebratory to criminal in nature. Individuals in the group were

displaying gang signs and committing acts of vandalism. After the glass to the bus kiosk was smashed, Sergeant A observed an individual pick up a large piece of glass and concluded that the individual may possibly hurt someone with it.

It was at this point that Sergeant A made the decision to direct his personnel to focus on Subject 1 and take enforcement action. The factors that influenced his decision are that he reasonably believed a serious threat to public safety was imminent; he identified Subject 1 as the catalyst for the criminal activity; the uniformed skirmish line was in close proximity (10-26 feet); he made two requests for a MFF to respond and believed they were en route; and his personnel were trained to respond under these circumstances.

In conclusion, the decision to initiate enforcement action was appropriate and did not substantially deviate from approved Department tactical training. However, each incident has tactical deployment considerations that can provide insight to enhance future performance in the event the involved personnel are confronted with a similar incident. The BOPC will direct that this topic be discussed during the Tactical Debrief.

2. Tactical Communication

In this instance, Sergeant A directed Officer B to detain Subject 1 without advising him that Subject 1 was in possession of a piece of glass. However, consideration must be given to the loud environment inherent to working within a crowd control situation. Training accounts for the diminished ability to communicate and prepares officers to spontaneously react to the actions of a suspect and/or other officers. This was evident in how Officer B approached Subject 1 from behind and applied a "bear hug" around his torso and arms, which caused Subject 1 to drop the skateboard and any other weapon he may have held in his hands. In addition, the remaining personnel appropriately responded when they formed an arrest circle around Subject 1. In both instances, the value of prior training was demonstrated when the involved personnel effectively reacted to the tactical scenario.

It was apparent that the officers assigned to the skirmish line were not aware of the presence of the plainclothes personnel even though Sergeant A made several requests for a MFF to the CP. After Sergeant A made his second request for a MFF, the CP relayed his request over the radio. Therefore, it was reasonable for Sergeant A to believe that officers in the area were made aware of the presence of his team and their location.

In conclusion, the actions did not substantially deviate from approved Department tactical training. The involved officers responded in accordance with their training and took appropriate action. However, the involved personnel are reminded of the role effective tactical communication plays in ensuring that decisions and actions are consistent with fundamental tactical concepts and

reflective of tactical best practices. The BOPC will direct that this topic be discussed during the Tactical Debrief.

3. Requesting Additional Personnel

In this instance, the team became involved in a substantial physical altercation with numerous individuals in the crowd. Due to the potential for being overcome by the increasingly hostile crowd, it would have been prudent to initiate an "Officer Needs Help" broadcast. This would have alerted the CP to the seriousness of the situation and facilitated an expedited response of uniformed personnel. However, Sergeant A believed that the uniformed personnel on the skirmish line would absorb the arrest circle and that the MFF personnel were responding to assist.

In conclusion, although the decision to not upgrade the response of uniformed personnel substantially deviated from approved Department tactical training, it was justifiable in that it was reasonable to believe that the skirmish line personnel would assist and the uniformed MFF personnel were already en route. The BOPC will direct that this topic be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Punches to Hard Bone Area

Multiple officers delivered punches to the subjects' facial area. Although punches are an authorized non-lethal force option, they can result in short and long term injury to an officer's hands. Each use of force incident is unique with no single force option solution to control a subject. To that end, the strikes to the face did not substantially deviate from approved Department tactical training. However, officers are reminded that the recommended impact areas for maximum effectiveness are the ribs, chest, arms, and stomach. The BOPC will direct that this topic be discussed during the Tactical Debrief.

2. Handcuffs as an Impact Device

Officer E was struck in the nose by an unidentified individual causing his nose to bleed profusely and vision to blur. In an effort to fend off the hostile crowd and defend himself, Officer E grasped his handcuffs in one hand and swung them back and forth. Officers are permitted to use whatever force they perceive reasonable to protect others or themselves from bodily injury. Therefore, this action did not substantially deviate from approved Department tactical training. The BOPC will direct that this topic be discussed during the Tactical Debrief.

3. Identification of Undercover Personnel

The investigation revealed that the EAP indicated that the "undercover" personnel would take steps to identify themselves as police officers to uniformed

personnel. There were complications in giving the undercover personnel the necessary equipment to do so. In order to establish continuity, the means of identification should be consistent with that indicated on the EAP. The BOPC will direct that this topic be discussed during the Tactical Debrief.

4. Equipment

The investigation revealed that additional equipment was maintained and carried; however, this practice appeared to be ineffective in that the equipment was not easily accessible. Furthermore, the investigation revealed that members of Sergeant A's team had equipment (e.g. radio and TASER) fall to the ground during the physical altercation. The BOPC will direct that the Tactics Training and Review Committee assess this practice and establish a best practice for the future deployment of equipment to team personnel.

- 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 areas of concern be evaluated based on the totality of the circumstances. Each tactical incident inherently results in considerations for improvement. In this case, although there were identified areas where improvements could be made, the tactics utilized did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, a Tactical Debrief is the appropriate mechanism to evaluate the decisions made and actions taken during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

In conclusion, the BOPC found Sergeants A and B's tactics, along with those of Officers A, B, C, D, E, F, G, H, and I, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- **Sergeant A**

In this instance, Sergeant A was confronted with a situation where his officers were involved in a physical altercation with multiple subjects and the crowd was becoming increasingly hostile. Sergeant A drew his service pistol. If confronted with the same circumstances, an officer with similar training and experience would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified.

In conclusion, the BOPC found Sergeant A's drawing and exhibition of a firearm to be in policy.

- **Officer G**

In this instance, Officer G was a member of the arrest circle when he heard a single gunshot. Unaware that Sergeant A had fired a warning shot, Officer G drew his service pistol. After he drew his service pistol, he held it at a low-ready and scanned the crowd. If confronted with the same circumstances, an officer with similar training and experience would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified.

In conclusion, the BOPC found Officer G's drawing and exhibition of a firearm to be in policy.

- **Officer A**

In this instance, Officer A was a member of the arrest circle when he heard a single gunshot and drew his pistol. If confronted with the same circumstances, an officer with similar training and experience would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified.

In conclusion, the BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

C. Non-Lethal Use of Force

- Sergeant A advised Officer B to take Subject 1 into custody. Officer B approached Subject 1, who was walking away with his skateboard in hand. Officer B positioned himself behind Subject 1 and wrapped his arms around the upper arms and torso of Subject 1, in a "bear hug" fashion as he stated, "*Police, Police, Police.*" Subject 1 dropped the skateboard and resisted arrest by kicking rearward and moving his shoulders and elbows in a manner to break free. Officer F applied a firm grip to Subject 1's right arm as Officer B attempted to move Subject 1 towards the skirmish line. In an effort to overcome the resistance presented by Subject 1, Officers B and F initiated a team takedown and applied their combined bodyweight to Subject 1's back. Subject 1 continued to resist arrest and concealed his arms underneath his body. Officer F applied five punches to Subject 1's right shoulder area; however, they proved to be ineffective. Officer B then applied three to five knee strikes to Subject 1's back before he transitioned and applied approximately 10 punches to Subject 1's left shoulder and triceps area. Officer E assisted when he placed his knee on Subject 1's right shoulder area. Officer F applied a lateral head displacement and gained control of Subject 1's right wrist and applied a wristlock. Officer B applied a firm grip to Subject 1's left arm and placed it behind his back. At this time, Subject 1 was handcuffed.

Officer B – Miscellaneous Force (Bear Hug), Take Down, Body Weight, Knee Strikes, Punches, Firm Grip

Officer E – Bodyweight

Officer F – Firm Grip, Takedown, Bodyweight, Punches, Wristlock, Lateral Head Displacement

In this instance, Officers B, E, and F reacted as any reasonable officer under the circumstances would, when they utilized non-lethal force options in this situation. The application of force was in response to the combative posture of Subject 1 and were within Department policy and consistent with the legal authority to use force to overcome resistance and effect an arrest.

In conclusion, the BOPC found Officers B, E, and F's use of non-lethal force to be in policy.

In the meantime, the remaining personnel formed an arrest circle around Officers B and F, facing outward toward the crowd. Officer C was approached by a male individual in the crowd, later identified as Subject 3. Officer C identified himself as a police officer and ordered Subject 3 to "Get back." When Subject 3 did not respond, Officer C pushed him back. Subject 3 again advanced toward Officer C and punches were exchanged.

Officer C – Punches

In this instance, Officer C reacted as any reasonable officer under the circumstances would when he pushed Subject 3. Officer C's function was to protect Officers B and F from the encroaching crowd. The application of force was in response to the combative posture taken by Subject 3 and was within Department policy and consistent with the legal authority to use force to overcome resistance.

In conclusion, the BOPC found Officer C's application of Non-Lethal Force to be in policy.

During this time, another individual, later identified as Subject 2, converged on Officer C. Officer A intervened, causing Subject 2 to back away. At one point, Subject 2 compromised the arrest circle and knocked Officer F to the ground. Officers E, A, and C pushed Subject 2 back into the crowd.

Officer A – Push

Officer C – Push

Officer E – Push

In this instance, Officers A, C and E reacted as any reasonable officer under the circumstances would when they pushed Subject 2 back into the crowd. The application of force was in response to Subject 2's violent actions and was within Department policy and consistent with the legal authority to use force to defend others from potential injury.

In conclusion, the BOPC found Officers A, C, and E's use of non-lethal force to be in policy.

Officer G was confronted by an unidentified male while in position on the arrest circle. In an effort to fend the individual off, Officer G struck him with his right elbow several times to the chest, causing him to retreat back into the crowd.

Officer G – Elbow Strikes

In this instance, Officer G reacted as any reasonable officer under the circumstances would when he utilized elbow strikes to defend himself when confronted by an unidentified male. The application of force was within Department policy and consistent with the legal authority to use force to defend himself.

In conclusion, the BOPC found Officer G's use of non-lethal force to be in policy.

Sergeant B observed Subject 2 with a clenched fist and believed he was going to attack Officer C. Sergeant B pushed Subject 2, who responded by punching Sergeant B on the left side of the jaw. Officer D observed the attack on Sergeant B and punched Subject 2 in the face. Subject 2 again punched Sergeant B, which caused Sergeant B to fall to the ground. Subject 2 advanced toward Sergeant B. Officer A came to assist Sergeant B. Subject 2 punched Officer A on the left cheekbone. In response, Officer A punched Subject 2 three to four times in the face. Officer E observed Subject 2 holding onto Sergeant B and punched Subject 2 five times to the right shoulder, upper back, head, and neck. Subject 2 continued to fight with Sergeant B and Officers A and C. Sergeant B stood and punched Subject 2 approximately 10 times in the face. Officer H applied four knee strikes to Subject 2's left shoulder, and Officer D punched Subject 2 approximately four to five times in the face. Sergeant B and Officers A, D, I, and H initiated a team takedown. As Subject 2 attempted to get up from the ground, Sergeant B punched him five to 10 times in the face. Sergeant B then placed both his knees on Subject 2's back and used his bodyweight to keep him down. Officer H applied a firm grip to Subject 2's left wrist and retrieved his handcuffs. Officer D placed his knee on Subject 2's right back area and applied his bodyweight. Shortly thereafter, Subject 2 was handcuffed without further incident.

Sergeant B – Punches, Team Takedown, Bodyweight

Officer A – Punches, Team Takedown

Officer D – Punches, Team Takedown, Bodyweight

Officer E – Punches

Officer H – Knee Strikes, Team Takedown, Firm Grip

Officer I – Team Takedown

In this instance, Sergeant B and Officers A, D, E, H, and I reacted as any reasonable officer under the circumstances would, when they utilized non-lethal force options in this situation. The application of force was in response to Subject 2's extremely combative actions and were within Department policy and consistent with the legal authority to use force to overcome resistance and effect an arrest.

In conclusion, the BOPC found Sergeant B's, along with Officers A, D, E, H, and I's, use of non-lethal force to be in policy.

D. Lethal Use of Force

- **Sergeant A** (pistol, one round)

Sergeant A was aware that his officers were engaged in an intense physical altercation with multiple subjects. After Sergeant A drew his service pistol, he identified himself as a police officer and ordered the crowd to move back. At this time, Sergeant A observed an individual from the crowd charging at him with approximately 20-25 additional individuals following behind. In an attempt to deter further encroachment on his position, Sergeant A pointed his gun at the lead individual and told him to move back. As the lead individual and group continued to advance toward him shouting, Sergeant A fired a single warning shot into the air.

In this instance, Sergeant A had to balance the risk of taking a warning shot with the imminent threat posed by the crowd. Sergeant A was progressive in his increased level of command presence to de-escalate the situation. He used verbalization, drew his service pistol, and ordered the crowd back; however, these efforts were met with negative results. Sergeant A gave consideration to the manner in which to direct the warning shot and minimized the risk of injury to innocent people, officers, and the gathering crowd. The exceptional circumstances created an instance where it was appropriate to use a warning shot to de-escalate the situation. The decision to use a warning shot was objectively reasonable in that an officer with similar training and experience would have perceived that the situation, if allowed to continue to escalate, would have posed a threat of serious bodily injury to the involved police personnel.

In conclusion, the BOPC found Sergeant A's use of lethal force to be in policy.