

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

HEAD-STRIKE WITH AN IMPACT WEAPON 010-21

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

Hollywood 3/13/21

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

Officer A 9 years, 8 months
Officer P 2 years, 2 month

Reason for Police Contact

Officers assigned to a mobile field force (MFF) squad responded to a crowd control situation at the scene of a protest where they formed a skirmish line as a blocking force. An officer observed a subject in the crowd preparing to throw a large metal object at officers on the skirmish line. The officer fired a beanbag shotgun round at that individual, resulting in an unintentional head strike. The Subject received ten stitches to his/her forehead before being released for booking.

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

Male, 27 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on February 01, 2022.

Incident Summary

On Saturday, March 13, 2021, a group advertised an event to mark the one-year anniversary of the death of Breonna Taylor, who died during a law enforcement encounter in Louisville, Kentucky in March of 2020.

In preparation for the event, an operations plan was developed under the command of Incident Commander (IC) Captain A. The goal of the operation was to facilitate the group's First Amendment right to protest, "*maintain a safe environment for the participants*" and if necessary, "*provide a coordinated response to event activities and public safety, including law enforcement and potential traffic related issues.*" The plan included the deployment of a Mobile Field Force (MFF) that consisted of several squads, including several independent "Strike Teams." The MFF was to be supported by Tactical Support Elements (TSE). Virtual MFFs from other bureaus were also available in the event additional personnel were needed.

At approximately 1900 hours, the scout team deployed to the area of the Hollywood Forever Cemetery and began monitoring the event. Between 1910 and 2020 hours, participants were reported to be in possession of umbrellas, helmets, and shields. Additionally, large paper bags with unknown contents were reportedly distributed to members of the group that gradually grew to an estimated 80 to 100 people.

At approximately 2020 hours, the crowd left the cemetery and began walking west on Santa Monica Boulevard, joined by approximately 10 vehicles and individuals on bicycles. They proceeded north on Gower Street, occupying north and southbound lanes of traffic. At approximately 2032 hours, individuals in the group were observed utilizing umbrellas to shield others from view as they spray-painted graffiti on walls near the intersection of Gower Street and Fountain Avenue. Trash cans were pulled into the middle of the street, blocking traffic.

By approximately 2050 hours, the march had reportedly grown to an estimated 150 to 200 participants, and proceeded west on Hollywood Boulevard from Gower Street, occupying the east and westbound lanes of traffic. Cans of spray-paint were observed being removed from the paper bags that had earlier been distributed amongst the crowd. Individuals were observed continuing to spray-paint graffiti on property along the route. Trash can fires were reportedly set at the Los Angeles Metro Red Line Station on Hollywood Boulevard, west of Argyle Avenue, and in the area of Vine Street along Hollywood Boulevard.

At approximately 2100 hours, as the group proceeded south on Vine Street from Hollywood Boulevard, and west onto Sunset Boulevard, incidents of vandalism escalated as some members of the march reportedly broke windows along the route, including at a couple nearby retail stores. Additional trash fires were set in the area of Sunset Boulevard at Vine Street, and at Morningside Court.

At approximately 2101 hours, Captain A directed MFF squads to stop the group's progress and begin making arrests. Based on the nature of the crowd's activity and fluid movement, a dispersal order was not given.

An Air Support Division unit arrived overhead at approximately 2120 hours, and assisted in the coordination of ground resources. The crowd moved south on Ivar Avenue and continued south on Cahuenga Boulevard as the two streets merged. Upon reaching Lexington Avenue, the march proceeded east toward Vine Street.

Unless otherwise indicated, the following description of events were derived from a review of Body Worn Video (BWV) and recorded radio transmissions.

To contain the crowd, the Air Unit directed squads to the intersection of Lexington Avenue and Vine Street.

An MFF squad, supervised by Sergeant A, arrived and formed a skirmish line along the southern crosswalk, as the crowd stopped and occupied the intersection.

As depicted in Sergeant A's BWV, members of the crowd formed an organized line in the middle of the intersection opposing the officers and placed shields in front of them in a side-by-side configuration. Some individuals in the group moved to positions directly in front of the officers and pointed cameras and lights at them. A strobe light was also directed at the officers from behind the crowd.

At approximately 2128 hours, an MFF squad supervised by Sergeant B responded and, as directed by the Air Unit, began forming a skirmish line as a blocking force on the east side of the intersection, crossing Lexington Avenue. The squad assigned with Sergeant B consisted of Officers A through L. Officer L was armed with a less-lethal launcher (LLL)

Police Officers M and N were initially assigned to the squad; however, were not deployed with the MFF.

As Sergeant B's squad entered the east side of the intersection from the south curb, the crowd moved in their direction, appearing to gather at the northeast corner. Several members of the group immediately confronted the officers with shields and an umbrella, in an apparent attempt to impede their progression into the street. As Sergeant B moved into the intersection, his/her baton was knocked from his/her hands after colliding with an individual holding a shield, causing him/her to stop and retrieve it from the ground.

As Officer F moved toward the northeast corner of Lexington Avenue and Vine Street, he/she pushed protesters away from Sergeant B by holding his/her baton at both ends, parallel to the ground, extending it outward in a pushing motion against one of the protester's shield and another protester's umbrella.

As the officers formed the skirmish line, protesters immediately began throwing items in their direction. Individuals were observed throwing a smoke-producing incendiary device that passed over the heads of the officers, sending a cloud of smoke through the intersection. A vehicle tire was also thrown at the skirmish line, striking Officer F's left leg.

According to Officer A, immediately upon entering the intersection, the crowd began to "rush" in the officers' direction. He/she observed multiple officers being confronted and pushed by protesters with shields. As they established a skirmish line on Lexington Avenue, Officer A indicated that the crowd yelled and screamed profanities at the officers. Members of the crowd held shields in front of them as others propped umbrellas over the top of the shields to provide additional concealment.

Officer A observed an unidentified subject from the crowd throw a lit incendiary device from the northeast corner of the intersection, which traveled over the officers' heads and landed behind them. He/she then observed a second unidentified subject standing in the street at the northeast corner of the intersection. This individual was positioned immediately adjacent to a pile of large debris on the east sidewalk of Vine Street.

Officer A then observed the second subject throw a tire at officers standing at the northern end of the skirmish line. The tire struck Officer F on his/her left leg. According to Officer A, after the tire was thrown, the subject remained next to the pile of debris, which caused him/her (Officer A) to believe the subject intended to acquire a second object to throw at officers. At 2128:47 hours, Officer A targeted the subject's abdomen with his/her beanbag shotgun and fired one round.

Officer A indicated that he/she again observed the first subject, who had previously thrown the incendiary device. That individual had moved north from his initial position in the intersection, then turned in a southerly direction and rapidly approached the same pile of debris at the northeast corner. Officer A believed that he was also intending to arm himself with a projectile from the pile to throw at officers on the skirmish line.

Approximately two seconds after firing his/her first beanbag round, Officer A fired a second beanbag round at the subject's abdomen as he approached within one to two feet of the debris pile.

Officer A did not know, nor did the subsequent use of force investigation determine, whether a beanbag round struck either of those unidentified subjects. According to Officer A, both subjects fled north on Vine Street out of his/her view. Officer A estimated that he/she fired both rounds in a northerly direction, from an approximate distance of 15 feet.

At approximately 2129 hours, after observing the protesters' activity and believing that they were outnumbered and lacked the personnel to defend themselves, Sergeant B broadcast a help call.

From his/her vantage point on the south side of the intersection, Sergeant A observed projectiles being thrown at the Hollywood officers.

According to Sergeant A, he/she believed more resources were needed due to the violent actions and size of the crowd. The Air Unit immediately broadcast that officers were requesting help at Lexington Avenue and Vine Street.

Moments after Sergeant B's request for help, a third individual, identified as the Subject, was observed throwing a large metal box from the northeast corner of the intersection. The object traveled over the line of protesters and struck Officers H and I.

The object thrown by the Subject was not recovered but was described by several officers to be a computer monitor. Based on video evidence, the object appeared to be an older style square monitor; however, it was not definitively determined. For the purposes of this report, the terms "metal box" and "computer monitor" will be used interchangeably.

According to Officer A, after firing the second beanbag round, he/she held his/her beanbag shotgun in a low-ready position. He/she then scanned the area and observed the Subject at the north end of the crowd lifting a computer monitor over his right shoulder with both hands. The Subject appeared to "rear back" as if preparing to throw the object toward officers on the skirmish line. Officer A described the monitor as an older model that appeared heavy based on the Subject's effort to lift it.

Officer A recalled that the Subject stood out from the crowd. He appeared to be taller than most of the crowd and was wearing a black sweatshirt with white writing on the front, which was distinctive amongst the group, who were dressed primarily in all black clothing. Officer A indicated that he/she was unable to see the Subject's facial features due to a strobe light being directed at him/her that was silhouetting the Subject.

While maintaining his/her view of the Subject, Officer A took several steps to the right (north) of Officer H. At 2129:06 hours, believing the Subject was about to throw the object at the officers on the skirmish line, Officer A targeted the Subject's abdomen and fired one beanbag round, from a distance he/she believed to be approximately 30 feet. The investigation determined the distance to be approximately 26 feet.

Officer A recalled the Subject bent forward at the waist and his head moved downward as he completed the throwing motion. He/she did not observe the beanbag round strike the Subject, but "because of the dramatic change [in] his [the Subject's] body mechanics," Officer A was concerned it possibly struck him in the head. The Subject then disappeared from Officer A's view.

Officer F made a similar observation; however, he/she believed the Subject's change in body position was done to avoid being detected. Using Officer F's BWV, investigators determined the Subject did not bend forward or move his head downward until after appearing to have been struck with the beanbag round.

According to Officer A, he/she did not observe the Subject throw the monitor, because he/she was focused on the Subject's abdomen at the time he/she fired. Officer A stated that after discharging the beanbag round, the monitor entered his/her field of view from the air and struck Officers H and I standing to his/her left. Footage obtained from Sergeant B's BWV camera depicted the monitor in flight as Officer A fired the beanbag round.

Officer A did not provide a warning to the Subject prior to firing the beanbag shotgun. According to Officer A, he/she was prevented from doing so due to the immediacy of the Subject's pending attack on the officers. Additionally, he/she believed that due to the ambient noise of the crowd, a warning would not have been heard.

Officer A said he/she was aware of the potential projectiles available to the crowd at the northeast corner of the intersection, but he/she did not observe either subject pick up the tire or the monitor. Officer F's BWV, however, depicted each individual independently walk from the area where the debris pile was located, carrying the items immediately prior to them being thrown. According to Officer A and Sergeant B, Officer A reported firing a beanbag round at each subject, including one at the Subject, who appeared to have ducked as Officer A fired. The report was made to Sergeant B immediately upon their arrival at Hollywood Station after the event.

After observing the Subject throw the metal box, Officer F announced the Subject's description. As that occurred, the Subject appeared to bend forward at the waist, before turning and slowly walking north on Vine Street surrounded by a small group of individuals from the crowd.

Officer H recalled observing fireworks and glass bottles being thrown at officers by persons at the back of the crowd. Officer H was unable to identify specific individuals but indicated the projectiles came from behind the line of protesters, who had created a barrier in front. While standing on the skirmish line, he/she observed the metal box descend on him/her from above. In an effort to protect his/her face, Officer H raised his/her baton over his/her head with both hands.

The object impacted his/her right hand and baton and then deflected to his/her left, striking Officer I's right arm.

Sergeant B immediately removed Officer H from the line to check on his/her well-being before verifying he/she was able to continue. Officer H reassumed his/her position on the skirmish line after momentarily stepping away.

After Officer A fired his/her third round from the beanbag shotgun, the crowd appeared to condense behind the line of shields and, in an organized movement, began slowly walking backward while turning to face south on Vine Street. After moving out of the intersection, the majority of the crowd then moved north on Vine Street.

In response to Sergeant B's broadcast for help, at approximately 2130 hours, Officers O and P, arrived at La Mirada Avenue and Cahuenga Boulevard, west of the crowd. As they neared the area, they monitored the Area base frequency as well as the Tac Channel.

Broadcasts were made that the crowd was throwing rocks and bottles at officers at Vine Street and Lexington Avenue. At approximately 2131 hours, an additional back-up request was broadcast at the intersection of Vine Street and La Mirada Avenue by officers who were reportedly being overrun by the crowd. That broadcast was upgraded to a help call by CD as it was relayed over base frequency.

At approximately 2131 hours, Officers O and P responded to the Air Unit's request for a squad to respond east on La Mirada Avenue toward Vine Street to form a blocking force, in order to contain protesters.

As they traveled east on La Mirada Avenue toward Vine Street, Officers O and P observed two individuals walking west on La Mirada Avenue and believed they were related to the help call that was initially broadcast. According to Officer P, these two males were several yards in front of a larger group; one was carrying a flag and the other a skateboard.

According to Officer O, the two individuals, and the larger group, were traveling from the location where other officers had reported being overrun (La Mirada Avenue and Vine Street) and requested a back-up. Officers O and P observed that the individual holding the skateboard, the Subject, was bleeding from the head, leading them to believe that he had possibly been involved in a confrontation with officers on Vine Street.

Officer P believed that "by the way [the Subject] was grabbing his waistband," he was "holding on to a possible hard object." Officer P opined that the "hard object" was a "weapon."

As the officers stopped their vehicle and exited, they directed the Subject and the second individual to move to an adjacent wall in order to investigate further. Digital In-Car Video (DICVS) from Officers O and P's vehicle depicted the Subject riding his skateboard in their direction and then abruptly coming to a stop upon being confronted by the officers. The Subject picked the skateboard up from the ground in his left hand and appeared to place his right hand behind his back to lift his pants. The Subject then proceeded to place his right hand into his front right pocket.

Based on the two individuals' behavior and believing the skateboard and flag could be used as weapons, Officer P unholstered his/her pistol and held it in a two-handed, low-ready position as he/she stood behind his/her open passenger door. According to Officers O and P, the Subject had a surprised expression on his face and ignored their direction to face a nearby wall. The Subject took several steps backward then turned and began walking away from the officers.

Moments later, Officer P holstered his/her pistol, because the subjects retreated in the opposite direction, and he/she felt that an immediate threat no longer existed. Officers O and P reentered their police vehicle and moved east, toward Vine Street. As Officer O drove forward, the Subject began riding the skateboard away from them, followed on foot by the individual carrying the flag.

The Subject rode several feet east and crossed from the north side of La Mirada Avenue to the south curb, where he then picked the skateboard up from the ground with his left hand. According to Officers O and P, the Subject turned in their direction and began running west, passing the passenger side of their vehicle. Both officers observed the Subject clutching his waistband, which caused them to believe he was possibly armed.

Officer P believed the Subject was armed with a "hard object" that could be used as a "weapon." Officer O believed that the Subject was possibly armed with a firearm. As described by Officer O, "My partner started running after him and I was trail, so I was in charge of communications." Images from Officer P's BWV depicted the Subject using his right hand to clutch his right pant leg at the hip area as he ran west past the officers.

Upon exiting their vehicle, Officers O and P pursued the Subject on foot west on La Mirada Avenue toward Cahuenga Boulevard.

At approximately 2132 hours, as they reached Cahuenga Boulevard, Officer O broadcast that the officers were in foot pursuit over Hollywood base frequency. After Officer O completed his/her broadcast, the CD operator responded by inquiring as to the circumstances of the foot pursuit. The Air Unit then immediately broadcast on both frequencies, "Hold the frequency ma'am. It's going to be related to the protest."

The broadcast was relayed by CD as the Subject ran south on Cahuenga Boulevard. He then abruptly changed direction and continued running north on Cahuenga Boulevard, across the north and southbound lanes of traffic. Both Officers O and P described a loud explosion as they began the foot pursuit. Officer P believed a firework had detonated near them and Officer O believed the explosion may have been the discharge of a less-lethal weapon.

Officers O and P indicated they initially pursued the Subject in containment mode; however, shortly thereafter, they were able to see both of the Subject's hands and concluded he was not armed. Their intent at that point was to apprehend the Subject. The investigation determined the Subject was not in possession of a firearm.

As they continued north, Officer P gave the Subject multiple commands to stop. The Subject tossed his skateboard at Officer P's feet, which caused him/her to believe the Subject had done so to impede his/her pursuit.

While responding to the initial help call at Lexington Avenue and Vine Street, Officers Q and R heard the foot pursuit broadcast on the radio. They passed Officers O and P northbound on Cahuenga Boulevard. Officer Q observed the Subject run across lanes of traffic and believed that by driving in front of the Subject, he/she would be able to safely stop his progress. Officer Q stopped his/her police vehicle ahead of the foot pursuit on Cahuenga Boulevard, south of Fountain Avenue.

As the Subject neared Fountain Avenue, Officer P closed the distance from behind and tackled the Subject to the ground. According to Officer P, he/she wrapped his/her arms around the Subject's upper body at shoulder level and used his/her body weight to pull the Subject to the ground. Officer P applied bodyweight to the Subject's back by placing his/her right arm on the Subject's right shoulder and his/her chest on the Subject's upper back. Officer P transitioned at that point and placed his/her left knee on the Subject's upper left shoulder to gain control of him and grabbed the Subject's left arm with both hands. Officer O then grabbed the Subject's right arm and placed it behind his back. With the assistance of Officer P, Officer O handcuffed the Subject's hands behind his back without further incident.

At the conclusion of the foot pursuit, CD requested Officers O and P's location and/or cross street three separate times before an unknown officer responded, "Fountain."

At approximately 2133 hours, moments after the Subject was handcuffed, Officer P removed his/her body weight from the Subject. Officer O then requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) to treat the Subject for a laceration to his forehead. Officer Q assisted the Subject to his feet and placed him in the back seat of his/her police vehicle while waiting for LAFD personnel to arrive.

The Subject was subsequently identified by Officer F as the person he/she saw throw the computer monitor at Officers H and I. The Subject was ultimately booked later the next morning for Section 245(c) of the California Penal Code (ADW on a Peace Officer).

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 A	No	Yes	Yes	NA	NA
Officer P	No	Yes	Yes	Yes	Yes
Officer O	No	Yes	Yes	Yes	Yes
Officer H	No	Yes	Yes	NA	NA
Officer Q	No	Yes	Yes	Yes	Yes
Officer R	No	Yes	Yes	Yes	Yes
Officer C	No	Yes	Yes	NA	NA
Officer B	No	Yes	Yes	NA	NA
Officer N	No	Yes	Yes	Yes	Yes

Officer M	No	Yes	Yes	Yes	Yes
Officer I	No	Yes	Yes	NA	NA

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

- A. Tactics** – The BOPC found Officers A, O, P's, and Sergeant B's tactics to warrant a Tactical Debrief.
- B. Drawing/Exhibiting** – The BOPC found Officer P's drawing and exhibiting of a firearm to be In Policy.
- C. Non-Lethal Use of Force** – The BOPC found Officer P's non-lethal use of force to be In Policy.
- D. Less-Lethal Use of Force** – The BOPC found Officer A's less-lethal use of force to be In 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/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 – An operations plan was developed in preparation for this event under the command of Captain A. The plan included the deployment of an MFF, including independent strike teams, a scout team, and a TSE. Additional MFF's from other bureaus were on standby.

According to Officer P, he/she and Officer O had been working together for approximately nine deployment periods and always discussed tactics before their start of watch.

Assessment – Based on the nature of the protestors’ criminal activity, Captain A determined that a dispersal order was not required and directed MFF squads to stop the group’s progress and begin making arrests.

During the skirmish line on Lexington Avenue and Vine Street, Officer A observed two subjects throw an incendiary smoke device and a car tire at officers. Believing the subjects were attempting to rearm themselves with objects from a pile of debris to throw at officers, Officer A discharged one beanbag round at each subject. Observing the Subject lifting the computer monitor, Officer A believed that it was heavy, and that the Subject was in the process of throwing it at the skirmish line. In response, Officer A discharged one beanbag round at the Subject. Observing the Subject’s reaction, Officer A opined that he/she may have struck the Subject’s head with the beanbag round.

Time – Due to the nature of a skirmish line, Officer A and his/her squad were not afforded the benefit of cover. Due to the nature of the protest and subjects’ (and the Subject’s) actions, Officer A was forced to take immediate action to stop their violent behavior. Contacting the Subject, Officers O and P utilized their police vehicle as cover, while ordering the Subject to face the wall. When he fled on foot, the Subject eliminated the officers’ ability to use time as a de-escalation technique.

Redeployment and/or Containment – Sergeant B and his/her MFF squad were directed to Lexington Avenue and Vine Street to assist Sergeant A and his/her MFF squad to contain the crowd at the intersection. When the Subject fled on foot, Officers O and P operated in containment mode until the Subject discarded his skateboard, providing officers a tactical advantage.

Other Resources and Lines of Communication – In addition to patrol and other assets, additional resources were standing by in the event additional personnel was needed. Also, the Air Unit was monitoring the event and directing officers where needed. As Sergeant B and his/her MFF squad were being assaulted with projectiles, he/she requested additional resources by broadcasting a help call. Additional patrol assets, including Officers O and P, responded to Sergeant B’s request. The Air Unit directed Officers O and P to La Mirada Avenue toward Vine Street. Locating the Subject and the male, Officers O and P ordered them to face the wall. During the foot pursuit, Officer O broadcast their location and direction of travel. Both officers continued to communicate with the Subject during the foot pursuit, ordering him to stop. Following his apprehension, officers requested an RA for the Subject.

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

1. Tactical Communication

The BOPC noted that Sergeant B effectively managed his/her squad during a rapidly evolving violent incident. While the officers intended to facilitate the crowd's peaceful expression, the prohibited items, vandalism, and violence demonstrated that the crowd was not peaceful. As Sergeant B's squad approached the intersection, they were immediately attacked by protesters with shields, incendiary devices, and projectiles. The BOPC also noted that as Sergeant B and his/her squad came under attack, he/she properly assessed the need for additional resources before attempting arrests. In response, Sergeant B established a skirmish line while waiting for additional officers to arrive. While establishing the line, Sergeant B used colloquial language as he/she directed Officer A to discharge a beanbag round at a protester throwing a projectile at officers. The BOPC noted that Officer A did not hear Sergeant B's statement. The BOPC also noted that Officer A discharged his/her beanbag shotgun in a controlled manner after properly assessing targets that posed immediate threats of violence or physical harm. While Sergeant B's directions should have been more specific, describing the intended target, the verbiage utilized by Sergeant B was not so vague as to create confusion in how less-lethal impact devices were to be utilized during this incident.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Sergeant B were not a substantial deviation from approved Department tactical training.

2. Beanbag Shotgun Deployment

According to Officer A, he/she observed multiple officers being confronted and pushed by protesters with shields as the crowd screamed profanities. Officer A observed a subject throw a lit incendiary device at the skirmish line. The device traveled over the officers' heads and landed behind the skirmish line. Officer A then observed a second subject standing in the road at the northeast corner of the intersection, adjacent to a pile of large debris on the east sidewalk of Vine Street. Officer A then observed the second subject throw a car tire at the skirmish line, striking Officer F's left leg. According to Officer A, after throwing the tire, the second subject remained next to the pile of debris, causing him/her to believe the second subject intended to acquire another object to throw at officers. Officer A targeted the second subject's abdomen with his/her Beanbag shotgun and fired one impact round. Officer A then observed the first subject rapidly approaching the same pile of debris. Officer A believed that the first subject intended to arm himself with a projectile from the pile. Approximately two seconds after firing his/her first beanbag round at the second subject, Officer A fired his/her second beanbag round at the first subject's abdomen as he (first subject) approached within one to two feet of the debris pile.

Officer A estimated that he/she fired both rounds from approximately 15 feet.

According to Officer A, after firing the second beanbag round, he/she observed the Subject lifting a computer monitor over his right shoulder with both hands. The Subject appeared to “rear back” as if preparing to throw the monitor towards the skirmish line. Based on the Subject’s effort to lift the monitor, Officer A opined that it was a heavy older cathode ray tube model. Officer A was concerned that it could cause serious bodily injury or death if it struck an officer. While maintaining his/her view of the Subject, Officer A moved to Officer H’s right.

Believing the Subject was about to throw the object at the skirmish line, Officer A raised the Beanbag shotgun, targeted the Subject’s abdomen, and fired one beanbag round from approximately 30 feet.

According to Officer A, the Subject bent forward at the waist and his head moved downward as he completed the throwing motion. Utilizing Officer F’s Body Worn Video (BWV), FID investigators determined that the Subject did not bend forward or move his head down until after appearing to have been struck with the beanbag round.

Before discharging his/her Beanbag shotgun, Officer A did not provide the Subject a UOF warning. According to Officer A, the immediacy of the Subject’s pending attack on the officers prevented him/her from providing a warning. Additionally, Officer A believed that due to the ambient noise of the crowd, a warning would not have been heard.

The BOPC noted that Officer A estimated his/her first two beanbag rounds were discharged from approximately 15 feet. The BOPC also noted that while Officer A estimated that his/her third round was discharged from 30 feet, the FID investigation determined it was discharged from 26 feet. This led the BOPC to believe that Officer A’s estimations for rounds one and two were accurate within a few feet. Based on the investigation, the BOPC opined that all three rounds were discharged within the Department’s recommended distances.

The BOPC also noted the Subject’s and other subjects’ actions before Officer A discharged his/her beanbag rounds. The first subject had thrown an incendiary device at officers, the second subject had thrown a car tire, striking an officer, and both suspects appeared to be rearming themselves when targeted by Officer A. When he was struck by the beanbag round, the Subject was actively throwing a heavy object at officers. Based on their actions, the BOPC opined that it was reasonable for Officer A to believe that both the Subject and the subjects posed an immediate threat of violence or physical harm. The BOPC also opined that it was not feasible for Officer A to give a verbal warning before discharging his/her beanbag rounds as officers were being attacked, requiring Officer A to immediately respond to their actions.

In terms of the target area, the BOPC noted that according to Officer A, when discharging his/her rounds at the Subject and the subjects, he/she aimed for the abdomen (belt line). As it pertains to the Subject's head injury, the BOPC noted that according to the FID investigation, the injury appeared to have been caused by Officer A's third beanbag round. While Officer A believed that the beanbag round may have unintentionally struck the Subject's head as he leaned forward throwing the monitor, the BOPC noted that per the FID investigation, the Subject bent forward after appearing to have been struck with the beanbag round. While Officer A's recollection may vary from the investigation, the BOPC noted that the Subject had to move his body in some fashion to throw the monitor. The BOPC also noted that Officer A discharged his/her beanbag round at the Subject as he was throwing the monitor. The BOPC further noted the conditions at the time Officer A discharged his/her Beanbag shotgun. Officers encountered a riotous situation in which fires had been set, incendiary smoke bombs were being thrown at the officers, and protestors were utilizing strobe lights, all inhibiting officers' vision. Instead of discharging multiple, less-lethal rounds in rapid succession, Officer A was controlled and measured, using singular shots as he/she assessed his/her targets, targeting approved areas of the body. Based on the totality of the circumstances, the BOPC concluded that Officer A's round unintentionally struck the Subject's head.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officer A were not a deviation from approved Department tactical training.

3. Situational Awareness

Believing that the Subject was about to throw the monitor at the skirmish line, Officer A moved to Officer H's right, raised the Beanbag shotgun, targeted the Subject's abdomen, and discharged one beanbag round from approximately 30 feet, from behind the skirmish line. After Officer A discharged the Beanbag shotgun, Officer H stepped back to avoid being struck by the monitor.

The BOPC discussed Officer A's actions leading up to his/her third beanbag round. The BOPC noted that Officer A was in the process of walking down the skirmish line when he/she observed the Subject in the process of throwing the monitor. In looking at BWV, Officer A appeared to position him/herself between officers before raising the Beanbag shotgun and discharging his/her beanbag round from behind the skirmish line. In assessing Officer A's position when he/she discharged his/her third round, the BOPC noted input provided by a Subject Matter Expert (SME). The BOPC noted that per the SME, officers are taught to step in front of the skirmish line when discharging less-lethal munitions. However, per the SME, there is no policy that requires officers to fire less-lethal munitions from in front of the skirmish line and there may be times when it is impractical to do so based on the proximity and demeanor of the crowd.

The BOPC noted that in this case, the situation rapidly unfolded and Officer A needed to take immediate action to defend officers from the Subject's actions. While the BOPC would have preferred that Officer A had positioned him/herself in front of or at least even with the skirmish line, the BOPC noted that Officer A did not have time as the Subject was in the process of throwing what appeared to be a heavy computer monitor when Officer A saw him. The BOPC also noted the proximity of the protesters to the skirmish line, their level of aggression, and their weapons. Had Officer A moved forward of the skirmish line, it may have resulted in a fight for control of the shotgun. The BOPC further noted that while he/she was behind the skirmish line, Officer A maneuvered around Officer H, creating a clear path to the Subject, before raising his/her shotgun and discharging his/her third beanbag round.

The BOPC noted that as the monitor came crashing down on him/her, Officer H stepped back to avoid it. While the BOPC was concerned that Officer H may have been in Officer A's foreground had he/she moved sooner and/or in a different direction, the BOPC noted that Officer A seemed to be aware of his/her position when he/she fired as he/she purposely maneuvered around Officer H before discharging his/her beanbag round at the Subject. The BOPC also noted no policy dictates an officer's position when discharging a Beanbag shotgun on a skirmish line. The BOPC opined that while Officer A's position when discharging his/her beanbag round was not ideal, it can be sufficiently addressed via a Tactical Debrief.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officer A were not a deviation from approved Department tactical training.

4. Code Six

At approximately 21:30:00 hours, in response to Sergeant B's broadcast for help, Officers O and P arrived at La Mirada Avenue and Cahuenga Boulevard. At approximately 21:31:00 hours, Officers O and P responded with emergency lights and siren (Code Three) to the Air Unit's request for a squad to come east on La Mirada Avenue toward Vine Street to form a blocking force, to contain protesters. To avoid radio congestion, Officers O and P did not advise CD they were responding Code Three. At approximately 21:32:10, Officers O and P stopped their police vehicle on La Mirada Avenue near Cahuenga and attempted to detain the Subject and the male. At approximately 21:32:30 Officers O and P began pursuing the Subject on foot on La Mirada Avenue toward Cahuenga Boulevard. At approximately 21:32:42 hours, as they reached Cahuenga Boulevard, Officer O broadcast that they were in foot pursuit. Before this broadcast, neither officer advised CD that they were Code Six on the Subject.

The BOPC reviewed the circumstances under which Officers O and P responded Code Three. The BOPC noted that per Department policy, officers should advise CD they are responding Code Three, if feasible, with consideration to radio congestion or other factors that occur during emergency situations. The BOPC also noted that officers are expected not to tie up the frequency so that pertinent information can be disseminated to responding units. Based on the totality of the circumstances, the BOPC determined that Officers O and P's decision not to broadcast their Code Three response was not a deviation from Department policy.

The BOPC considered the time it took for Officers O and P to advise CD of their location. The BOPC also considered that the officers' first broadcast was to advise CD that they were in foot pursuit. The BOPC noted the time that elapsed between the officers' initial contact with the Subject and the broadcast advising CD that they were in foot pursuit. When asked if Officers O and P had attempted to place themselves Code Six via their police radio or Mobile Digital Computer (MDC) before broadcasting the foot pursuit, FID investigators advised the BOPC that neither officer had done so. Per FID investigators, while there was radio traffic on the Area base frequency between the officers' initial contact with the Subject and their foot pursuit broadcast, there were times when the frequency was clear.

The BOPC noted that the Air Unit knew Officers O and P's location as they had directed the officers to travel east on La Mirada moments before contacting the Subject, and noted that within seconds of instructing officers to travel east on La Mirada, the Air Unit requested a "hold" on both Hollywood base frequency and the tactical frequency.

Reviewing a timeline prepared by FID, the BOPC noted that at approximately 2132:00 hours, Officers O and P turned east onto La Mirada Avenue as the Air Unit began directing officers to take positions (on La Mirada Avenue). The Air Unit's broadcast continued until 2132:18 hours.

According to the FID timeline, at approximately 21:32:10 hours, Officers O and P stopped their police vehicle on La Mirada Avenue near Cahuenga and attempted to detain the Subject and the male. The BOPC noted that for approximately eight seconds after Officers O and P's initial contact with the Subject, the frequency was occupied by the Air Unit. The BOPC also noted that from 2132:18 hours to 2132:23 hours, and again from 2132:27 hours to 2132:30 hours, Hollywood Base frequency was clear.

According to the FID timeline, at approximately 21:32:30 Officers O and P began pursuing the Subject on foot on La Mirada Avenue toward Cahuenga Boulevard. The BOPC noted that per the timeline, Hollywood Base frequency was occupied from 2132:30 hours to 2132:37 hours, then clear until 2132:42 hours when Officer O broadcast his/her location while advising he/she was in foot pursuit.

The purpose of broadcasting a Code Six location is so that other officers know one another's location. While officers are expected to advise CD of their Code Six location, they are also asked to practice radio discipline during emergency situations. In this case, Officers O and P were responding to a help call. The Air Unit was at scene and knew Officers O and P's location when they contacted the Subject, as did Officers M and N. During the officers' initial contact with the Subject, there was heavy radio traffic on Hollywood frequency, with brief pauses between transmissions. Once the frequency was clear for a reasonable period, Officer O advised CD of his/her location while advising that he/she was in foot pursuit. While the BOPC would have preferred that Officers O and P had placed themselves Code Six upon arrival, based on the above, their delay was justified.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Officers O and P were a substantial deviation with justification from approved Department tactical training.

- The BOPC also considered the following:
 - **Tactical Communication** - While at Lexington Avenue and Vine Street, Sergeant B broadcast a help call on a tactical channel rather than the Area base frequency. While the tactical channel was the designated frequency for this operation, no CD personnel were assigned or requested to monitor the channel during this incident.
 - **Safety Belts** – A review of Officer O's BWV revealed that while responding Code Three, he/she was not wearing his/her safety belt. A review of Officer P's BWV revealed that while responding Code Three he/she prematurely removed his/her safety belt.
 - **Non-Medical Face Coverings** – The FID investigation revealed that Officers N, O, and P were not wearing non-medical face coverings at the scene as directed by the Chief on May 20, 2020.
 - **Profanity** – During the foot pursuit, Officer O used profanity. Officer Q used profanity as the Subject was being taken into custody. During the confrontation with protesters, Officer C used profanity to gain compliance while directing them to leave the area.
 - **Securing Equipment** – After deploying his/her LLL, Officer M placed it on the dashboard as he/she was sitting in the driver's seat. Before driving away, Officer M grabbed the LLL and continued to drive while holding it in his/her right hand. During this incident, Officers R and Q's Beanbag shotgun was situated between the passenger seat and center console of their police vehicle. Before following

the RA to the hospital, Officer R secured the Beanbag shotgun in the police vehicle's trunk.

- **Situational Awareness** – As Officers O and P pursued the Subject in the north and southbound lanes of Cahuenga Boulevard, they ran in the path of Officer Q's police vehicle; Officer Q's vehicle came near Officers O and P.

After the Subject was handcuffed, Officer O checked his/her waistband for a gun. Before placing the Subject in his/her police vehicle, Officer Q did not search him. While in the back of Officers R and Q's vehicle, the Subject retrieved his cell phone from his pocket and maneuvered his handcuffs from behind his back, to the front of his body. The Subject remained in this position for approximately 13 minutes.

- **Required Equipment** – Sergeant B was not equipped with a hobble restraint device on his/her person during the incident. Officer O was not equipped with a baton during the foot pursuit.
- **Rendering Aid** – At approximately 2133 hours, after the Subject was handcuffed, Officer Q took control of the Subject. Officer O requested a RA to treat the Subject for a laceration to his/her forehead. Officer Q assisted the Subject to his feet and placed him in the back seat of his/her police vehicle while waiting for LAFD personnel to arrive; the RA subsequently arrived at 2209 hours. While officers did request an RA, Officer Q did not provide first aid to the Subject's injury. It is the BOPC's expectation that officers shall promptly provide basic and emergency medical assistance to all members of the community, including persons in custody and subjects of a use of force, to the extent of the officer's training and experience in first aid and to the level of equipment available to the officer at the time assistance is needed.

Command and Control

- For this incident, Captain A was designated as the IC. The goal of the operation was to facilitate the group's First Amendment right to protest. However, at approximately 2100 hours, as the group proceeded south on Vine Street from Hollywood Boulevard, and west onto Sunset Boulevard, incidents of vandalism escalated as some members broke store windows and set fires. In response, Captain A directed MFF squads to stop the group's progress and begin making arrests. A dispersal order was not given based on the criminal nature of the crowd's activity and fluid movement. According to Captain A, the crowd had become riotous and were engaging in criminal activity, negating the need for a dispersal order.

At 2128 hours, Sergeant B responded to Lexington Avenue and Vine Street and formed a skirmish line with his/her MFF squad. Sergeant B provided direction and control over his/her squad. It was a rapidly evolving incident where time was of the

essence. As Sergeant B's squad approached the intersection, he/she was forced to adjust his/her tactics to position his/her squad while waiting for additional resources. While he/she was physically attacked by a protester with a shield, Sergeant B continued forward, allowing one of his/her officers to address the shield-bearing protester.

At 2134 hours, Sergeant C arrived on the scene and initiated a NCUOF investigation. At approximately 2330 hours, Sergeant C interviewed the Subject as he waited to be released from the hospital. Based on his claim that he was struck by a "pellet" on the forehead during the protest on Vine Street, it was believed the Subject's injury was the result of an unintentional head strike with a less-lethal beanbag projectile. After his/her interview with the Subject, Sergeant C informed Captain A of the status of his/her investigation.

At 2345 hours, at Captain A's direction, Officer A was separated and monitored by Sergeant B. Captain A contacted Lieutenant A, FID, to discuss this incident. After reviewing the circumstances, FID believed the Subject's injury was likely the result of an unintentional impact from Officer A's third beanbag round. At 1424 hours investigators advised Captain A that FID was assuming investigative responsibility for this incident. At 1440 hours, Captain A notified the DOC of the CUOF.

The BOPC discussed the difficult and volatile nature of this incident. While the officers intended to facilitate the crowd's peaceful expression, the prohibited items, vandalism, and violence demonstrated that the crowd was not peaceful. The BOPC noted the proactive leadership of Sergeants B, C, and Captain A. The BOPC noted that Sergeant B effectively managed his/her squad during a rapidly evolving, violent incident. As Sergeant B's squad approached the intersection, the squad was immediately attacked by protesters with shields, incendiary devices, and projectiles. The BOPC also noted that as Sergeant B and his/her squad came under attack, he/she properly assessed the need for additional resources before attempting arrests. In response, Sergeant B appropriately established a skirmish line while waiting for additional officers.

The actions of Sergeants B, C, and Captain A were consistent with Department supervisory training and the BOPC's expectations of field supervisors and command staff during a critical incident.

- In conducting an objective assessment of this case, the UOFRB minority determined, and the BOPC concurred, that Officers O and P's tactics were a substantial deviation with justification from approved Department tactical training. The BOPC also determined that Sergeant B tactics were not a substantial deviation from approved Department tactical training. The BOPC further determined that Officer A's tactics were not a deviation from approved Department tactical training. Additionally, the BOPC believed that Officers M, N, Q, and R would benefit from attending a Tactical Debrief.

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

Therefore, the BOPC found Officers A, O, and P's and Sergeant B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer P**

Driving east on La Mirada Avenue toward Vine Street, Officer P observed the Subject walking west on La Mirada Avenue with an unidentified male. The Subject was holding a skateboard and the male was carrying a flag. According to Officer P, the Subject and the male were several yards in front of a large group, coming from the location where officers had reported being overrun. Observing that the Subject was bleeding from the head, Officer P opined that the Subject and the male were related to the help call and that the Subject had possibly been involved in a confrontation with officers. Investigating further, Officers P exited the police vehicle and directed the Subject and the male to an adjacent wall. Believing the skateboard and flag could be used as weapons, Officer P unholstered his/her service pistol as he/she stood behind his/her open passenger door.

The BOPC conducted a thorough evaluation of Officer P's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer P was responding to a help call where officers were being attacked and overrun by protestors. The BOPC also noted that as the officers turned onto La Mirada, they encountered the Subject and the male ahead of a larger group of protestors coming from the location where officers had reported being overrun. The male was holding a large pole, the Subject had a skateboard, both of which could be used to inflict serious bodily injury. The BOPC further noted that the Subject was bleeding, indicating that he may have been involved in a confrontation with officers. The BOPC opined that it was reasonable for Officer P to believe that the Subject or the male may use the skateboard or flagpole as deadly weapons against him/her or his/her partner.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer P would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer P's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- **Officer P** – (1) Takedown, (3) Bodyweight

When the Subject fled, Officers O and P pursued him on foot. As the Subject neared Fountain Avenue, Officer P closed the distance and tackled him (takedown). Officer P applied bodyweight (bodyweight one) to the Subject's back by placing his/her right arm on the Subject's right shoulder and his/her chest on the Subject's upper back (bodyweight two). Transitioning, Officer P placed his/her left knee on the Subject's upper left shoulder to control him (bodyweight three). The Subject stopped resisting, and Officer P grabbed the Subject's left arm with both hands as Officer O grabbed the Subject's right arm, placing it behind his back. With Officer P's assistance, Officer O handcuffed the Subject's hands behind his back without further incident.

The BOPC discussed Officers P's use of non-lethal force. The BOPC noted that before using force, Officers O and P had attempted to gain the Subject's voluntary compliance. Despite the officers' orders, the Subject chose to flee, throwing his skateboard at Officer P's feet as he ran in traffic, endangering himself, the officers, and the public. To stop the Subject, Officer P tackled him, then used bodyweight to control his movements until he was handcuffed. The BOPC noted Officer P's restraint, utilizing minimal force to prevent the Subject's escape, overcome his resistance, and effect his arrest. The BOPC opined that the force used by Officer P was proportional to the Subject's level of resistance.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer P, in the same situation, would reasonably believe that the use of non-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer P's non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

- **Officer A** – (Beanbag shotgun, one Super Sock impact round)

According to Officer A, after firing the second beanbag round, he/she observed the Subject lifting a computer monitor over his right shoulder with both hands. The Subject appeared to "rear back" as if preparing to throw the monitor towards the skirmish line. Based on the Subject's effort to lift the monitor, Officer A opined that it was a heavy older cathode ray tube model. Officer A was concerned that it could cause serious bodily injury or death if it stuck an officer. While maintaining his/her view of the Subject, Officer A moved to Officer H's right. Believing the Subject was about to throw the object at the skirmish line, Officer A raised the Beanbag shotgun, targeted the Subject's abdomen, and fired one beanbag round from approximately 30 feet.

The BOPC noted that Officer A was in the process of walking down the skirmish line when he/she observed the Subject in the process of throwing the monitor. The BOPC noted that the situation rapidly unfolded and Officer A needed to take immediate action to defend officers from the Subject's violent actions. Based on the Subject's actions, the BOPC opined that it was reasonable for Officer A to believe he posed an immediate threat of violence or physical harm. This belief is substantiated by the fact that the Subject managed to throw a heavy object approximately 26 feet, striking and injuring two officers. The BOPC noted that were it not for the officers' reactions and protective gear, they may have been seriously injured by the monitor. While it was previously discussed, the BOPC noted Officer A was within the recommended distance when he/she discharged the Beanbag shotgun at an approved area on the Subject's body. The BOPC determined that Officer A's use of less-lethal force was proportional and objectively reasonable.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer A's less-lethal use of force to be In Policy.