February 26, 2019
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: IN-CUSTODY DEATH NO. 031-18

Honorable Members:

The following is my review, analysis and findings for In-Custody Death (ICD), Force Investigation Division (FID) No. 031-18. A Use of Force Review Board (UOFRB) was convened on this matter on February 4, 2019. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY**

On May 6, 2018, at approximately 1149 hours, Officers [redacted] Serial No. [redacted] and [redacted] Serial No. [redacted] Newton Patrol Division, were dressed in full uniform and driving a marked black and white police vehicle. The officers responded to a radio call of a prowler complaint at 4431 Towne Avenue. The comments of the radio call indicated that the Person Reporting (PR) wished to remain anonymous and that the suspect, later identified as J. Chavez, was armed with a brick.

According to Officer [redacted] upon arrival, and Officer [redacted] observed Chavez standing on the east sidewalk of Town Avenue. Based on the comments of the radio call, Officer [redacted] believed there was no crime and that Chavez could not be detained. The officers then decided to conduct a consensual encounter to determine if Chavez was okay (Additional Tactical Debrief Topics – Code-Six).

According to Officer [redacted] as they approached, Chavez walked west and stood in the street. Chavez appeared a little bit aggressive and refused to engage the officers. Both officers kept their distance, as Chavez continuously clenched his fists and looked up and down, as if he was sizing the officers up. After multiple failed attempts to communicate with Chavez and no reason to detain him, the officers redeployed to their police vehicle to monitor Chavez.
According to Officer [redacted], attempted to verbalize with Chavez, but Chavez stood in the street with a blank stare and would not acknowledge the officers. The officers then redeployed to their police vehicle.

According to Officer [redacted], based on Chavez’ demeanor, believed Chavez was under the influence of a controlled substance or possibly suffering from mental illness. Additionally, Chavez was standing in the middle of the roadway, blocking traffic. Officer [redacted] requested an additional unit and a supervisor because they had time and space, thus there was no need for any higher request.

According to Officer [redacted], Chavez began walking towards them and stated, “Shoot me. Shoot me.” Officer [redacted] opened the passenger side door and assumed a position of cover behind [redacted] ballistic door panel. Believing that Chavez posed a danger because Officer [redacted] did not know what Chavez had on his person, Officer [redacted] drew a service pistol (Drawing/Exhibiting).

According to Officer [redacted], Chavez approached [redacted] and Officer [redacted], closing the distance from approximately 30 or 40 feet to five feet. Officer [redacted] broadcasted a backup request and deployed the beanbag shotgun. Officer [redacted] warned Chavez that if he continued to approach, then Chavez would get bean bagged. Chavez moved back to his original location approximately 20 to 30 feet away from the officers and stated, “Shoot me. Shoot me.”

Additional personnel, including Sergeants [redacted], Serial No. [redacted], and [redacted], along with Officers [redacted], Serial No. [redacted], [redacted], Serial No. [redacted], and [redacted], Serial No. [redacted], Newton Patrol Division, responded to the location.

According to Sergeant [redacted], upon arrival, was advised by the primary officers that no crime had occurred. Based on the radio call, Sergeant [redacted] believed they needed to make contact with Chavez to see if anything else happened. Sergeant [redacted] directed the Air Unit to check the surrounding area and requested an officer to attempt to contact the PR for further information.

**Note:** The investigation revealed that officers could not reach the PR by telephone. Additionally, the Air Unit did not observe any weapons on Chavez.

According to Sergeant [redacted], formulated a tactical plan to approach Chavez utilizing two police vehicles as cover. Additionally, Sergeant [redacted] divided personnel up into two teams; designating lethal and less-lethal cover officers, as well as contact officers on each team.

**Note:** The investigation revealed that Officers [redacted] and [redacted] drew their service pistols when approaching Chavez’ location (Drawing/Exhibiting).
According to Sergeant [redacted] they approached and stopped just north of Chavez, who was on the sidewalk in front of [redacted] Towne Avenue. Chavez appeared agitated and was speaking in Spanish. Sergeant [redacted], a Spanish speaker, attempted to communicate with Chavez, but Chavez failed to comply. Chavez then walked onto the front porch of [redacted] Towne Avenue and the officers redeployed behind parked vehicles on the street in front of the location (Additional Tactical Debrief Topics – Utilization of Cover).

Note: The investigation revealed that as officers were approaching, an unidentified [redacted] was standing on the porch of [redacted] Towne Avenue. The male subsequently entered the residence as Chavez approached the porch.

According to Sergeant [redacted] did not know if the unidentified male was involved in the incident, but believed the officers needed to deal with the residence after taking Chavez into custody.

Additionally, according to Sergeant [redacted] believed that the acquaintance and Chavez were acting in concert.

According to Sergeant [redacted] Chavez was licking his lips, throwing his hands out and appeared to be under the influence of something. Based on Chavez’ actions and the radio call that stated he was armed with a brick, Sergeant [redacted] believed that they could not allow him to run around the community. Additionally, Chavez needed to be taken into custody either to determine if he could be placed on a hold for psychiatric evaluation under 5150 Welfare and Institution Code (WIC), or to be arrested, if a crime had occurred.

According to Officer [redacted] utilized the Public Address (PA) system inside a police vehicle to communicate with Chavez in an attempt to get Chavez to comply with the officers’ orders. When Chavez failed to comply, Officer [redacted] warned Chavez that he could be tasered or bean bagged.

According to Sergeant [redacted] Chavez picked up an aluminum dustpan that was approximately 24 to 26 inches wide, by about 18 inches long, with sharp edges and began flinging it around. Believing that Chavez could easily slice somebody up, Sergeant [redacted] decided not to rush Chavez and escalate the situation.

According to Sergeant [redacted] multiple Use of Force warnings were given, advising Chavez that he could be bean bagged or tasered and he could be seriously injured. When Chavez failed to drop the dustpan, Sergeant [redacted] directed officers who were equipped with beanbag shotguns to go ahead and engage (Debriefing Point No. 1).

Note: Officers had been communicating with Chavez for approximately 29 minutes prior to Sergeant [redacted] direction to utilize the bean bag shotgun.

According to Sergeant [redacted] in order to eliminate confusion, [redacted] wanted to make sure that all commands given by Sergeant [redacted] were easily heard between the two teams. Therefore, when
3.2

Sergeant [REDACTED] directed the deployment of the beanbag shotgun. Sergeant [REDACTED] relayed that information between the two teams and advised officers, “Beanbag ready.”

According to Officer [REDACTED] was designated as a less-lethal officer with a beanbag shotgun and was positioned on the street, a little south of Chavez. Chavez picked up a metal dustpan and waved it in a very aggressive, very violent manner. Officer [REDACTED] then heard Sergeant [REDACTED] direct [REDACTED] to discharge the beanbag shotgun. Believing Chavez was very violent and unsafe to approach, Officer [REDACTED] discharged one round from the beanbag shotgun at Chavez’ stomach area, from an approximate distance of 44 feet (Less-Lethal Use of Force).

According to Officer [REDACTED] first beanbag round kind of surprised Chavez, but did not really affect him. Chavez continued swinging the metal dustpan around. Officer [REDACTED] then discharged one round from the beanbag shotgun, from an approximate distance of 44 feet, at Chavez’s stomach area to stop his action’s (Less-Lethal Use of Force).

According to Officer [REDACTED] was designated as a less-lethal officer with a beanbag shotgun and was positioned in front of the residence. Officer [REDACTED] utilized palm trees and vehicles for cover. Chavez was standing on the porch of the residence acting very erratic and swinging his arms. Chavez then picked up a shovel and swung it around. Officer [REDACTED] heard the Garner warning given to Chavez regarding the use of the beanbag shotgun and advised that his beanbag was ready. To stop his actions, Officer [REDACTED] then discharged one round from the beanbag shotgun at Chavez, from an approximate distance of 45 feet. Chavez continued swinging the shovel in the direction of the officers. In order to avoid an OIS [Officer Involved Shooting], Officer [REDACTED] discharged two rounds from the beanbag shotgun, from an approximate distance of 45 feet, at Chavez to stop his actions (Less-Lethal Use of Force).

According to Sergeant [REDACTED] after the beanbag shotgun was deployed, Chavez placed the dustpan under his shirt, covering his chest cavity and limiting Sergeant [REDACTED] options for beanbag or TASER deployment. Sergeant [REDACTED] decided to slow things down so they could wait for Chavez to start coming down from the effects of whatever narcotics he had taken. Sergeant [REDACTED] contacted the Mental Evaluation Unit (MEU). Sergeant [REDACTED] requested a rescue ambulance (RA) to standby and also the response of a unit equipped with a less-lethal 40-mm device (Debriefing Point No. 2).

Note: The investigation revealed that MEU declined to respond to this incident until Chavez was in-custody. Additionally, a 40-mm device equipped unit responded from Southeast Division; however, the unit did not arrive at the location until after Chavez was taken into custody (Chief’s Direction).

According to Sergeant [REDACTED] Chavez moved north and stood in between two residences. Chavez then picked up some sort of flammable liquid and rubbed it on himself. Sergeant [REDACTED] re-evaluated the plan to utilize a TASER around flammable liquids; however, decided that using the TASER in probe mode would not likely ignite the fluid. Additionally, Sergeant [REDACTED] wanted to prevent officers from having to use deadly force; therefore, [REDACTED] wanted to continue to have the TASER be a less-lethal force option.
Note: The investigation revealed that officers obtained a fire extinguisher from a police vehicle in the event Chavez attempted to light himself on fire. Additionally, the liquid was later identified to be power steering fluid.

According to Sergeant Chavez then picked up a metal bar, raised it over his head and swung it. Sergeant then heard multiple officers telling Chavez to, “Drop the pipe,” and additional beanbag shotguns being discharged (Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands).

According to Officer Chavez picked up lighter fluid, poured it all over himself and on a rag and began to inhale it. Officer then heard an officer yell, “He picked up a metal pipe.” Officer observed Chavez holding a two to three foot metal pipe. Officer discharged four rounds from a beanbag shotgun from an approximate distance of 40 feet, at Chavez’ stomach because believed if Chavez charged at the officers with the metal pipe it would result in the use of deadly force. Officer believed that the use of the beanbag shotgun might eliminate the possibility of officers having to utilize lethal force (Less-Lethal Use of Force).

According to Officer believed the beanbag rounds had little effect because Chavez continued holding the metal pipe and continued to be very violent. Fearing that deadly force was eminent, Officer slung a beanbag shotgun and drew a service pistol (Drawing/Exhibiting).

According to Officer Chavez escalated the situation by picking up a long pipe that was laying on the ground in between the two houses. Officer along with other officers, gave Chavez commands to, “Drop the pipe.” Chavez failed to comply and swung the pipe towards the officers. Officer discharged three rounds from a beanbag shotgun from an approximate distance of 33 feet, because believed that Chavez was going to charge at and the other officers with the pipe. Observing that Chavez continued his violent behavior, Officer slung a beanbag shotgun and drew a service pistol (Less-Lethal Use of Force and Drawing/Exhibiting).

According to Officer observed Chavez grab a metal pipe and face officers. In order to avoid any injury to the other officers, Officer warned, “Beanbag Standby.” Officer then discharged four rounds at Chavez, from the beanbag shotgun, from an approximate distance of 35 feet, causing Chavez to drop the pipe (Less-Lethal Use of Force).

According to Officer observed Chavez looking around, trying to arm himself. Based on Chavez’ previous actions, believed Chavez was going to continue to be combative. Officer then discharged two rounds from the beanbag shotgun, from an approximate distance of 35 feet, at Chavez to stop his actions. Chavez then moved back onto the porch of the residence (Less-Lethal Use of Force).
The Honorable Board of Police Commissioners
Page 6
3.2

Note: A review of multiple officer's Body Worn Video (BWV) captured Chavez reaching down in the area of the Dustinpan and metal pipe at the time Officer [REDACTED] discharged the two additional rounds from the beanbag shotgun.

According to Officer [REDACTED] when Chavez moved back to the porch, Chavez left the improvised weapons in between the houses. Officer [REDACTED] and additional officers then approached and grabbed the weapons, in order to prevent Chavez from re-arming himself and to avoid the use of lethal force.

Note: According to Officer [REDACTED] drew service pistol to provide lethal cover for Officer [REDACTED] as he retrieved the Dustinpan and pipe (Drawing/Exhibiting).

According to Sergeant [REDACTED] after Chavez went onto the porch without the pipe, [REDACTED] spoke with Sergeant [REDACTED] and agreed that the arrest teams needed to approach to take Chavez into custody. The plan included Sergeant [REDACTED] team flanking Chavez from the south and pushing him towards Sergeant [REDACTED] arrest team on the north.

According to Officer [REDACTED] holstered service pistol and drew TASER after someone assigned [REDACTED] as a less-lethal officer. Officer [REDACTED] observed Chavez on the porch, with superhuman power, breaking a metal mailbox pole in half. As the arrest team approached, Chavez moved off the porch onto the steps and was still violent. Officer [REDACTED] then discharged TASER in probe mode, from a distance of seven to ten feet, at Chavez's stomach area. Officer [REDACTED] was unsure if the TASER struck Chavez, but observed that it was ineffective as Chavez ran north and jumped off the porch (Less-Lethal Use of Force).

According to Officer [REDACTED], as the arrest team moved toward Chavez, the tactical plan was to utilize the beanbag shotgun and then the TASER to get Chavez to comply. Officer [REDACTED] observed Chavez frantically looking for any object to use as a weapon. As the arrest team approached, Officer [REDACTED] then discharged one round at Chavez, from the beanbag shotgun, from an approximate distance of 28 feet (Less-Lethal Use of Force).

According to Officer [REDACTED], Chavez then ran north on the porch and was jumping over the railing towards direction. Officer [REDACTED] knew had a lethal cover officer, equipped with a Patrol Rifle, on the north end of the residence and believed that officer would be vulnerable to Chavez. Officer [REDACTED] then discharged one round from the beanbag shotgun, at Chavez, from an approximate distance of 11 feet, causing Chavez to turn away from officers (Less-Lethal Use of Force).

According to Officer [REDACTED] was assigned as a less-lethal officer, equipped with a TASER. As [REDACTED] approached Chavez with the arrest team, [REDACTED] observed Chavez moving north on the porch. Officer [REDACTED] discharged TASER in probe mode, from a distance of nine feet, at Chavez's naval area, to prevent Chavez from charging at Officer [REDACTED] or the other officers (Less-Lethal Use of Force).
According to Sergeant [REDACTED], as [REDACTED] approached with the arrest teams, [REDACTED] instructed the officers to, "TAKE TAKE TAKE." After the second TASE discharge caused Chavez to stumble, Sergeant [REDACTED] directed the officers to conduct a team takedown.

**Note:** The investigation revealed that Chavez fell to the ground prior to the officers making physical contact with him.

According to Officer [REDACTED], Chavez jumped off the porch and fell on his back. Chavez then turned on his stomach and attempted to get up. Officer [REDACTED] utilized his hands to apply bodyweight to Chavez' lower back to push him to the ground. Officer [REDACTED] then wrapped arms around Chavez' legs. As additional officers attempted to handcuff Chavez, Officer [REDACTED] observed Chavez actively resisting. Officer [REDACTED] utilized a firm grip on Chavez left arm to assist pulling Chavez' arm behind his back for handcuffing (Non-Lethal Use of Force). According to Officer [REDACTED] approached Chavez and placed his right knee on Chavez’ right shoulder. Officer [REDACTED] then grabbed Chavez’ left hand, pulled it behind his back, and assisted another officer with handcuffing Chavez (Non-Lethal Use of Force).

According to Officer [REDACTED] approached Chavez and observed that he was fighting, clenching his fists, and spitting left and right. Officer [REDACTED] then placed [REDACTED] hands on the base of Chavez’ neck, by his shoulders, to control his head and prevent him from spitting (Additional Tactical Debrief Topics – Maintaining Control of Equipment and Non-Lethal Use of Force).

According to Officer [REDACTED] approached Chavez and utilized a firm grip on Chavez’ left arm. When Chavez pulled [REDACTED] arm underneath him, Officer [REDACTED] braced [REDACTED] with [REDACTED] foot and used physical force to pull Chavez’ arm behind his back so that additional officers could handcuff him (Non-Lethal Use of Force).

According to Officer [REDACTED] approached Chavez and wrapped his right arm around Chavez’ right elbow and used his left arm to control Chavez’ wrists so that additional officers could handcuff Chavez. After Chavez was handcuffed, Officer [REDACTED] transitioned to Chavez’ legs and utilized [REDACTED] shins to apply bodyweight to Chavez’ calves so that a Hobble Restraint Device (HRD) could be applied (Non-Lethal Use of Force).

According to Officer [REDACTED] approached Chavez and observed him actively resisting. Officer [REDACTED] advised Chavez to, “Stop resisting.” Officer [REDACTED] then observed Chavez’ left arm under an officer’s leg so [REDACTED] grabbed Chavez’ fingers with [REDACTED] left hand. Officer [REDACTED] then used both of [REDACTED] hands to control Chavez’ left arm, while additional officers handcuffed Chavez (Non-Lethal Use of Force).

According to Officer [REDACTED] observed officers struggling with Chavez, who was kicking and fighting on the ground. Officer [REDACTED] used his hands to grab Chavez’ ankles to prevent him from kicking and maintained [REDACTED] firm grips until an officer applied the HRD to Chavez’ legs (Non-Lethal Use of Force).
According to Sergeant [redacted], directed the officers to carry Chavez to the front of the location where [redacted] continued to monitor Chavez, ensuring that Chavez remained on his side. Chavez’ knees were still flailing all over the place and he was resisting with a tremendous amount of power. Sergeant [redacted] then directed officers to place a second HRD on Chavez, one around his ankles and one around his knees.

According to Sergeant [redacted], Chavez was moved to the front of the residence. An officer then reminded [redacted] about the unidentified individual that went into the residence. Sergeant [redacted] directed the officers to go inside the residence and clear it out. Additionally, Sergeant [redacted] advised that the area in front of the residence was still a hot zone and the RA would not enter the hot zone until the residence was clear (Debriefing Point No. 3).

According to Sergeant [redacted], Sergeant [redacted] felt strongly that the residence needed to be cleared prior to allowing the RA to enter the area. Sergeant [redacted] then assumed responsibility for the clearing of the residence, while Sergeant [redacted] stayed with Chavez. Additionally, Sergeant [redacted] determined that moving Chavez to the RA was not an option due to Chavez being large, belligerent and combative (Debriefing Point No. 3).

Note: The investigation revealed that the unidentified [redacted] subsequently identified as witness, [redacted] was not involved in the incident. According to [redacted] exited the residence and stood on the porch after hearing the noise from the Air unit. [redacted] then re-entered the residence upon seeing police personnel approach [redacted], Chavez.

According to Officer [redacted], after Chavez was carried to the front of the residence, [redacted] attempted to control Chavez; however, Chavez was kicking, spitting, and would not lay still. Officer [redacted] advised Chavez to, “Lay on your side so you can breathe,” and continued to tell him to, “Relax.” Officer [redacted] assisted with controlling Chavez until Sergeant [redacted] requested [redacted] get Chavez water to drink in an attempt to calm him down (Non-Lethal Use of Force).

According to Officer [redacted], after Chavez was carried to the front of the residence, he instructed officers to put Chavez on his side. Chavez kept fighting, trying to break free from officers and spit in Officer [redacted] face. Officer [redacted] then utilized bodyweight and physical force in an effort to keep Chavez on his side because Chavez kept trying to lay on his stomach. Additionally, when Chavez attempted to move to the concrete sidewalk, Officer [redacted] and additional officers moved him to the grass to prevent him from smacking his head on the concrete (Non-Lethal Use of Force).

Note: The investigation revealed that Officer [redacted] placed his left knee on Chavez’ lower back and placed both of his hands on Chavez’ back while attempting to maintain control of Chavez.

According to Officer [redacted], Chavez was kicking and spitting. Officer [redacted] used his bodyweight to hold Chavez down and keep Chavez on his side, in a safe position. Officer [redacted] continued to tell Chavez to, “Calm down. Relax.” Chavez then turned and spit in
The Honorable Board of Police Commissioners
Page 9

3.2

Officer [redacted] right eye. Due to Chavez actively spitting at officers, the officers moved his chest down, but kept his legs parallel to the ground (Non-Lethal Use of Force and Additional - Profanity).

According to Officer [redacted] while waiting for the RA to arrive, [redacted] was trying best to keep Chavez on his side, but Chavez was making it extremely difficult. Chavez then appeared to finally be resting and was not trying to fight anymore. Officer [redacted] kept his hands on Chavez in order to maintain control of him. However, Officer [redacted] was not pushing Chavez down or using force any longer.

Note: The investigation revealed that officers attempted to keep Chavez on his side for approximately 10 minutes. Chavez then rolled to his stomach and was in the prone position with the HRD applied while Officer [redacted] and Officer [redacted] maintained control of him (Debriefing Point No. 4).

According to Officer [redacted] relieved Officer [redacted] so that Officer [redacted] could obtain a spit mask from his vehicle. Officer [redacted] squatted down next to Chavez, placed his hand on Chavez' butt bone and felt Chavez begin to clench like a convulsion. Officer [redacted] directed Officer [redacted] to turn Chavez over and observed that Chavez was losing oxygen. Officer [redacted] immediately called for Los Angeles Fire Department (LAFD) Personnel.

According to Sergeant [redacted] monitored Chavez at the front of the residence where Chavez was laying on his right side the entire time. Upon the arrival of LAFD personnel, Sergeant [redacted] stepped away to use cellular telephone to call the watch commander (Debriefing Point No. 4).

Note: The investigation revealed that Chavez was in the prone position for approximately three minutes prior to the arrival of LAFD personnel.

LAFD personnel transported Chavez to Los Angeles County – University of Southern California Medical Center where he was pronounced deceased at 1436 hours.

On May 11, 2018, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor [redacted] performed a post mortem examination of Chavez' remains. Chavez' death was contributed to cardiopulmonary arrest caused by combined effects of methamphetamine intoxication and restraining maneuvers by law enforcement officers.

Note: A toxicology test determined that Chavez had .10 ug/mL (micrograms per milliliter) Amphetamine and 1.8ug/mL Methamphetamine in his femoral blood and .88 ug/mL Methamphetamine in his heart blood. Los Angeles County Department of Coroner Chief of the Forensic Science Laboratory Division, Doctor [redacted] advised that 0.1 to 1.0 ug/mL of Methamphetamine is in the toxic range and above 1.0 ug/mL Methamphetamine is in the fatal range.
Doctor [REDACTED] noted that the manner of death is homicide because restraining maneuvers contributed to the cardiopulmonary arrest. Homicide manner does not imply that law enforcement officers acted inappropriately or outside their scope of duties.

Additionally, during the UOFRB, Doctor [REDACTED] commented that Positional Asphyxia was not a causal factor of Chavez' death. Doctor [REDACTED] comments were memorialized by Detective [REDACTED] Serial No. [REDACTED] FID, on February 22, 2019, in a LAPD Form 15.2, Supplemental Information report.

FINDINGS

Tactics – Tactical Debrief, Officers [REDACTED], [REDACTED], and [REDACTED]. Administrative Disapproval, Sergeants [REDACTED] and along with Officers [REDACTED] and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED], [REDACTED], and [REDACTED].

Non-Lethal Use of Force – In Policy, No Further Action, Officers [REDACTED], [REDACTED], and [REDACTED].

Less-Lethal Use of Force – In Policy, No Further Action, Officers [REDACTED], and [REDACTED].

ANALYSIS

Detention

The officers responded to a radio call of a prowler suspect armed with a brick. Upon arrival, the officers attempted to speak with the suspect, but he refused to reply. The officers determined they did not have reasonable suspicion to detain the suspect and walked back to their police vehicle to monitor the suspect. The suspect then approached the officers and requested that the officers shoot him. The officers attempted to detain the suspect for an evaluation for mental illness relevant to 5150 WIC. When the suspect refused to comply and armed himself with a sharp, metal object, the officers utilized a series of Non-Lethal and Less-Lethal force options to take the suspect into custody. The officers’ actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where
actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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

**Tactical De-Escalation**

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

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

In this case, the officers were dealing with an individual who appeared to be either suffering from severe mental illness or was under the influence of a controlled substance, or both. The suspect told officers to utilize lethal force on him. The officers continuously verbalized with Chavez, in both English and Spanish, in an effort to gain compliance and resolve the situation peacefully, without the use of force. The sergeants and officers continuously assessed the situation and formulated a plan to utilize less-lethal force options to gain the suspect’s compliance. Additionally, an RA was requested and MEU was notified. The sergeants discussed the possibility of contacting Metropolitan Division to initiate a request for the Special Weapons and Tactics (SWAT) team, but ultimately determined the incident did not meet the criteria for a SWAT callout.

Chavez then armed himself with a metal dustpan and pole. In response to Chavez’ actions, the officers utilized less-lethal force options to prevent the situation from escalating to the use of deadly force. Officers had been attempting to communicate and gain Chavez’s cooperation for approximately 29 minutes prior to the use of less-lethal force options. The sergeants and officers continued assessing and utilized time in an effort to de-escalate the situation. Chavez eventually dropped the weapons and walked onto a porch allowing officers the ability to remove the weapons which prevented Chavez from re-arming himself. Approximately 57 minutes after the incident started and only after repeated communication efforts were unsuccessful, the officers approached, utilized Non-Lethal Use of Force and took Chavez into custody.
During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1    Tactical Communication

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

Sergeant did not designate how many, or which specific officers were to discharge their beanbag shotguns during the tactical plan to take Chavez into custody.

Additionally, the investigation revealed that a total of eight officers Drew and/or Exhibited their firearms during the course of the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Sergeant formulated a tactical plan to utilize beanbag shotguns to take Chavez into custody. However, he did not designate how many or which officers would utilize their beanbag shotguns at specific times, while executing the plan. This led to multiple officers discharging their beanbag shotguns simultaneously. Although, each officer articulated their reasons for discharging the beanbag shotguns at Chavez, I would have preferred Sergeant to identify one officer at a time to discharge the less-lethal options.

I would have also preferred that Sergeant had taken a more active role in limiting the number of officers who provided lethal cover to include only those assigned as a Designated Cover Officer (DCO). Limiting the number of officers who are providing lethal cover would likely lessen the number of officers who discharge their firearms, as well as the number of rounds fired, in the event that this incident escalated and resulted in an Officer Involved Shooting.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Sergeant actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2    Reverence for Human Life (Positive)

Reverence for human life is the primary consideration in developing tactics and strategies in pursuit of our motto: "To Protect and To Serve." Whenever an operation designed to achieve an immediate goal such as the arrest of a felon or the gathering of evidence to complete a
criminal investigation causes a victim, witness, or other innocent person to be subjected to potential injury or death, our primary objective must be to protect that person. No arrest, conviction, or piece of evidence can outweigh the value of human life (Los Angeles Police Department Manual, Volume 1, Section 130.25).

Sergeants [redacted] and [redacted], along with Officers [redacted], [redacted], [redacted], and [redacted], demonstrated care and concern for Chavez' life during the incident. Additionally, they utilized planning and teamwork to take Chavez, who was armed with weapons that could cause serious bodily injury or death, into custody without using lethal force.

In this case, the personnel believed that Chavez wanted the officers to use lethal force against him based on his statement requesting that the officers shoot him. The officers utilized multiple de-escalation techniques including time, requesting the response of MEU and a RA, and attempting to build a rapport with Chavez throughout the incident.

After Chavez was in-custody, Sergeant [redacted] and the officers attempted to place Chavez in a safe position and ensured that he was on the grass instead of the concrete sidewalk so that he would not injure his head. Additionally, due to the high temperatures and in an attempt to calm Chavez down, Sergeant [redacted] directed Officer [redacted] to obtain water for Chavez.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Warrantless Search (Substantial Deviation – Sergeants [redacted] and [redacted])

A warrantless search may also be justified when there is a threat to the safety of officers who are already lawfully inside a location, and the officers have some reasonable basis for believing there may be others inside who may pose a danger to them. This brief search is called a ‘protective sweep’ (Los Angeles Police Department, Legal Bulletin, Volume 22, Issues 1 – March 1998).

A protective sweep is a brief search to look for individuals only.

If peace officers are already lawfully inside or outside a house and have a specific factual basis for believing there may be other people inside who pose a danger to them, the officers can conduct a protective sweep.

Protective sweeps are limited to spaces immediately adjoining the area of an arrest:

- where another person could be hiding
• from which an attack could be immediately launched

It is illegal to sweep into areas beyond those "immediately adjoining" the arrest location, unless the officer has reasonable suspicion, based on articulable facts, that there may be someone there who poses a danger to the officer (California Commission on Peace Officers Standards and Training, Learning Domain 16).

Sergeant directed officers to conduct a warrantless search of the residence. Additionally, Sergeant was briefed on the plan and concurred.

In this case, Sergeants and believed that the individual, who had been seen on the porch with Chavez at the beginning of the incident, was possibly connected to the original radio call of a prowler complaint.

The UOFRB was critical, and I concur, that Sergeants and lacked a specific factual basis for believing the people inside the residence posed a danger to the officers. Additionally, the scope of the warrantless search extended beyond the rooms adjoining the area of the arrest in between the houses.

The UOFRB determined, and I concur, that Sergeants and decision to conduct a warrantless search of the residence was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4  Positioning of Restrained Individuals (Substantial Deviation - Sergeant along with Officers and )

Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute (Los Angeles Police Department Use of Force – Tactics Directive No. 2.2, Hobble Restraint Device – November 2017).

After the HRD was applied to Chavez’ ankles, Sergeant and officers attempted to maintain Chavez on right side, but ultimately allowed Chavez to roll over into the prone position.

In this case, the UOFRB acknowledged the efforts officers took to keep Chavez on side for approximately 10 minutes; however, the UOFRB was critical of Officers and for not immediately returning Chavez side after he rolled onto his stomach, thereby allowing Chavez to stay in the prone position for approximately three minutes.
Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [redacted] and [redacted] actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Additionally, in this case, there was discussion in the UOFRB about Sergeant [redacted] lack of command and control after the HRD was placed on the suspect’s legs. I acknowledge that this incident involved multiple activities related to the suspect. Officers, under the direction of supervisors, demonstrated a reverence for human life by minimizing the risk of injury to the suspect by conducting a controlled team takedown on him. After the takedown, officers continued care and custody of the suspect by attempting to keep him on his side for approximately ten minutes, keeping his head off of the concrete and offering water to the suspect. Although it was Officers [redacted] and [redacted] responsibility to ensure proper HRD protocols were followed, I have determined that it was also the supervisor’s responsibility to ensure that those protocols were followed. Therefore, Sergeant [redacted] lack of oversight was a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

**Code-Six** – The investigation revealed that Officers [redacted] and [redacted] did not go Code-Six upon their arrival at the radio call. According to Officer [redacted] believed they pushed the “at scene” button on the Mobile Digital Computer (MDC) upon arrival. Officers are to be reminded of the importance of updating their status so that other units will know their location if they need assistance. I will direct that this be a topic of discussion during the Tactical Debrief.

**Non-Conflicting Simultaneous Commands** – The investigation revealed that multiple officers gave simultaneous commands to Chavez during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct that this be a topic of discussion during the Tactical Debrief.

**Utilization of Cover** – The investigation revealed that multiple officers stood in the roadway and sidewalk without utilizing cover during the incident. Officers are to be reminded that when confronting a suspect armed with a weapon other than a firearm, they should place a barrier between themselves and the suspect if possible. I will direct that this be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment (TASER)** – The investigation revealed that Officer [redacted] dropped his TASER on the ground prior to taking Chavez into custody. Officer [redacted] is reminded of the importance of maintaining control of his equipment prior to transitioning to other force options. I will direct that this be a topic of discussion during the Tactical Debrief.
Designated Cover Officers (DCOs) – The investigation revealed that no specific DCOs were assigned and that multiple officers drew their service pistols and rifles during the incident. A sound tactical plan, including the assignment of specific DCOs, should be implemented to ensure a successful resolution while keeping in mind officer safety concerns. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

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

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

In reviewing this incident, the UOFRB acknowledged the supervisors’ overall effectiveness in directing the officers, resulting in the achievement of the Department’s goal of preservation of and reverence for human life.

Sergeants [Redacted] and [Redacted] arrived at scene and effectively communicated with the officers, formulated a plan to approach, including designated less-lethal and lethal force options and two arrest teams. Upon approach, Sergeant [Redacted] ensured that the commands were given to Chavez in both English and Spanish.

Additionally, Sergeants [Redacted] and [Redacted] continued to communicate with each other and assess the situation, while requesting additional resources and formulating various plans based on Chavez’ actions.

However, Sergeants [Redacted] and [Redacted] did not provide clear direction to the officers regarding the legal parameters to conduct a warrantless search of the residence.

The UOFRB was critical of Sergeant [Redacted] for directing a warrantless search and for Sergeant [Redacted] concurrence with the decision. The sergeants should have better assessed the situation with the understanding that warrantless searches should only be conducted when a specific factual basis exists that the occupants in the adjoining rooms are a danger to the officers.
Additionally, the UOFRB discussed Sergeant [REDACTED] overall responsibility regarding the HRD protocols at length. After listening to what was articulated, I determined that Sergeant [REDACTED] should have been more actively involved while Chavez was laying on the ground with the HRD applied. Ultimately, Chavez rolled into a prone position, and while the officers should have immediately rolled him back onto his side, Sergeant [REDACTED] was tasked with supervising the officers in control of Chavez and therefore, had a responsibility to ensure that the HRD protocols were properly followed throughout the incident.

As a result, the UOFRB determined, and I concur, that Sergeants [REDACTED] and [REDACTED] lack of supervisory oversight during these specific occurrences, substantially and unjustifiably, deviated from approved Department supervisory training and thus warranted a Tactics finding of Administrative Disapproval. I will direct that the topic of Command and Control and my expectations of supervisors during critical incidents be specifically addressed with Sergeants [REDACTED] and [REDACTED] during the Tactical Debrief.

**Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur that Sergeants [REDACTED] and [REDACTED] along with Officers [REDACTED] and [REDACTED] actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] tactics did not substantially deviate from approved Department tactical training.

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

Therefore, I will direct that Sergeants [REDACTED] and [REDACTED] along with Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.
General Training Update (GTU)

On February 7, 2019, Officers [redacted] attended a GTU. All mandatory topics were covered, including HRD.

On February 13, 2019 Sergeant [redacted], along with Officer [redacted] attended a GTU. All mandatory topics were covered, including HRD.

Sergeant [redacted] was unavailable to attend a GTU due to suffering an Injured On-Duty (IOD) injury, which was unrelated to this incident.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: “An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume 1, Section 536.80).

According to Officer [redacted], Chavez began walking towards them and stated, “Shoot me. Shoot me.” Officer [redacted] opened his passenger side door and assumed a position of cover behind his ballistic door panel. Believing that Chavez posed a danger because he did not know what Chavez had on his person, Officer [redacted] drew [redacted] service pistol.

Additionally, Officer [redacted] drew [redacted] service pistol a second time because [redacted] observed Chavez armed with a shovel as [redacted] and additional officers approached Chavez’ location.

Officer [redacted] recalled,

"So he’s walking towards us, and then there’s a point where he gets too close. I can’t see. You know, I can’t see what he has on his person. I -- we haven’t patted him down. I mean, I don’t know if he has any weapon. The call did say something about a brick. At which point, I drew my weapon believing that the danger could escalate to the use of deadly force. As we got closer, I heard somebody say that he had picked up a stick. Then I could see the shovel in his -- that’s what I saw, the shovel. And then that’s, you know, I was concerned again. I was, you know, concerned for my safety, my off -- you know, fellow officers. I drew my weapon."

According to Officer [redacted], [redacted] drew [redacted] service pistol as the officers initially approached Chavez’ location because Chavez was a hot prowl suspect who could possibly have a weapon that could cause serious bodily injury or death.
The Honorable Board of Police Commissioners
Page 19

3.2

Officer [REDACTED] recalled,

I didn’t know -- well, if he’s a hot prowol and a 4-5-9 suspect, they carry tools possibly and weapons that can hurt me or, you know, cause serious bodily injury or death, so -- and we didn’t have a good visual on him. We didn’t check his waistband, so we -- you know, had -- I pulled my gun out to -- to make sure he doesn’t (UNINTERPRETABLE) with something that can hurt me or kill me.

According to Officer [REDACTED], [he] drew [his] service pistol the first time when [he] approached the parked vehicles to take cover in front of Chavez’ location.

Additionally, Officer [REDACTED] momentarily drew [his] service pistol a second time to provide lethal cover because Officer [REDACTED], who had been providing lethal cover, had to holster [his] service pistol to remove [his] gloves.

Officer [REDACTED] recalled,

I drew my weapon was when he was in front of the -- the residence and the, like, the grass area in the front of the residence. And we all approached to take cover onto the parked vehicles. In order -- and while I was taking cover for the parked -- on the parked vehicles, I was actually -- the suspect could have -- could have ran and hurt me. So that’s why I draw my weapon because it could -- it could cause serious bodily injury or death.

I know my partner told me that he wanted to take his gloves off, so I was -- I had less lethal, so I had -- I drew back out, because we were on -- because we were on the -- we were the only ones on the south side of the street taking cover on the car.

According to Officer [REDACTED], he drew his service pistol as he redeployed to cover behind a car. Chavez was armed with a shovel which could cause great bodily injury or death.

Officer [REDACTED] recalled,

Me and my partner redeploy across to the -- the east side of the street in front of a car at which time because he was armed with the shovel is when I -- I drew my weapon. I drew it because he was armed with a weapon that could cause great bodily injury or -- or death and then that’s when my partner that we both decided I would be lethal and he would be TASER at that time.

A review of Officer [REDACTED]'s BWV revealed that he drew [his] service pistol as [he] redeployed to cover when initially approaching Chavez’ location.
Note: The investigation did not reveal the articulation from Officer regarding his Drawing and Exhibiting of his service pistol. Officer drew service pistol while moving with other officers who were organized into two teams to approach Chavez’s location. Various officers were assigned as lethal or less-lethal cover officers.

According to Officer believed the beanbag rounds had little effect as Chavez was very violent and continued holding the metal pipe. Fearing that deadly force was eminent, Officer slung beanbag shotgun and drew his service pistol.

Officer recalled,

*Once my -- run out of beanbag rounds, I put it -- I strap it around my back and I pull out my primary weapon. At that time I believe deadly force was eminent. He could have charged at us still. He could have -- he was still very violent and very dangerous at any moment. He was -- a lot of times he lowered his base, like in a football stance, like he was ready to charge at us at any moment. We still weren’t sure if he had any weapons on him. That’s why I drew out my firearm.*

According to Officer , after discharged all beanbag rounds, slung beanbag shotgun, and drew service pistol. Chavez continued to pose a threat of serious bodily injury or death due to Chavez’ swinging of a shovel, pouring of a possibly flammable substance and possibly being armed with a weapon.

Officer recalled,

*And then I exhausted my beanbag rounds, so I slung my beanbag shotgun. And due to his violent behavior -- he had swung a shovel in our direction. He had swung a pipe in our direction. He had poured out what could have been brake fluid, gasoline, lighter fluid, whatever -- we didn’t know what sort of substance this was. He hadn’t been patted down yet. He could have still potentially had a firearm or other weapon maybe in his rear waistband. So I withdrew my -- I drew out my duty pistol.*

According to Officer drew service pistol to provide lethal cover for Officer as retrieved the dustpan and pipe.

Officer recalled,

*When I approach with Officer to cover, I remove my handgun from my holster.*

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

Therefore, I find Officers [redacted] and [redacted] Drawing/Exhibiting to be In-Policy, No Further Action.

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Additionally, the investigation revealed that Officers [redacted] Serial No. [redacted] and [redacted] Serial No. [redacted] Newton Patrol Division, initially exhibited their Patrol Rifles due to their deployment distance to contain Chavez. Although, the initial deployment was reasonable, I am critical of the continued deployment of the Patrol Rifle after approaching Chavez and would have preferred a weapon system be deployed that was more appropriate for the tactical situation.

Non-Lethal Use of Force

It is the policy of this 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 (Los Angeles Police Department Manual, Volume 1, Section 556.10).

Officer [redacted] – Bodyweight, Physical Force, and Firm Grip

According to Officer [redacted], Chavez jumped off the porch and fell on his back. Chavez then turned on his stomach and attempted to get up. Officer [redacted] utilized his hands to apply bodyweight to Chavez’ lower back to push him to the ground and then wrapped [redacted] arms around Chavez’ legs. As additional officers attempted to handcuff Chavez, Officer [redacted] observed Chavez actively resisting. Officer [redacted] utilized a firm grip on Chavez left arm to assist pulling Chavez’ arm behind his back for handcuffing.

Additionally, after Chavez was carried to the front of the residence, Officer [redacted] attempted to hold Chavez on his side however Chavez was kicking, spitting, and would not lay still.
The Honorable Board of Police Commissioners
Page 22
3.2

Officer [REDACTED] recalled,

He fell when he jumped over the side of the porch, and I think he fell on his back. I was going to try and take him into custody, and he tried to kick me. And as he turned over to run away, he turned over on his stomach to try to get up. I put my hands on his lower back and put my body weight on his legs and wrapped his legs the way they teach us in the academy. His arm is already in the shape of an L, almost, pretty much to his side. He turned his body over to his side, and he’s kind of like fighting them, fighting the officers in the terms of he’s not letting them put his arm behind his back. So he’s actively resisting. And he looks flexed. So I’m -- so I basically grab his wrist and assist with bringing his arm back.

We tried to lay him on his side, but he kept trying to kick, and he was spitting at us and he wouldn’t lay still... He was also trying to bite me when he was on the floor. I remember that. So I was trying to hold him in place on his side so he could breathe...

Officer [REDACTED] -- Bodyweight, Firm Grip, and Physical Force

According to Officer [REDACTED], approached Chavez and placed his right knee on Chavez’ right shoulder. Officer [REDACTED] then grabbed Chavez’ left hand, pulled it behind his back, and assisted another officer with handcuffing Chavez.

Officer [REDACTED] recalled,

As soon as I got to him, I placed my knee on his shoulder and reached for his right arm... Right knee on his right shoulder and got his right hand.

So at that point, then I helped the other officer grab the other left hand so we can handcuff him, so I grabbed his actual hand. I pulled it towards me, and then -- then handcuffed him.

Officer [REDACTED] -- Physical Force and Bodyweight

According to Officer [REDACTED], approached Chavez and observed that he was fighting, clenching his fists and spitting. Officer [REDACTED] placed hands on the base of Chavez’ neck, by his shoulders, to control his head and prevent him from spitting.

Additionally, after Chavez was carried to the front of the residence, Officer [REDACTED] used bodyweight to hold Chavez down and keep him on his side, in a safe position.

Officer [REDACTED] recalled,

So since I’m towards -- I’m at the area where his head is, put my hand on his -- on the base of his neck, rear side of his neck where it connects to his shoulders to control his head from
moving. So that way it prevents him from - - from spitting. And or - - and possibly raising his head like this and hitting one of the officers, including myself. Kept my hand there.

I'm standing kind of next to him holding -- holding him down. And again, this entire time, he keeps moving. Does not give up. And I'm, you know, I'm six-feet-two, 200 pounds. Try and put my body weight just like on his leg, on the side of his body so it doesn't -- - - and he -- he raises me up. Up and down, up and down, up and down, constantly, like does not -- does not stop.

Again, trying to hold him down. Does not stop moving. Kicking, jerking. He's doing all -- doing all kind of stuff.

Officer [redacted] -- Firm Grip and Physical Force

According to Officer [redacted] approached Chavez and utilized a firm grip on Chavez' left arm. When Chavez pulled his arm underneath him, Officer [redacted] braced [redacted] with [redacted] foot and used physical force to pull Chavez' arm behind his back so that additional officers could handcuff him.

Officer [redacted] recalled,

But he started falling forward, so I was able to, once he went to the ground, I was able to secure his left arm in a firm grip at first, but he started pulling me underneath him. And I'm -- - I think I put a foot on him, and then pulled back. And then I wound up putting my foot through his arm and using a Jiu Jitsu move on him, because I have seven years of Jiu Jitsu experience. And if my two hands aren't working on his one arm, my whole body will, and it did!

Officer [redacted] -- Firm Grip, Physical Force, and Bodyweight

According to Officer [redacted] approached Chavez and wrapped [redacted] right arm around Chavez' right elbow and used his left arm to control Chavez' wrists so that additional officers could handcuff Chavez. After Chavez was handcuffed, Officer [redacted] transitioned to Chavez' legs and utilized his shins to apply bodyweight to Chavez' calves so that a HRD could be applied.

Officer [redacted] recalled,

I tried to go for the - - I wrapped -- put my right arm on his -- his -elbow and then I attempted to use my left arm to control his wrists so -- so we can hardcuff him.
I don’t have hands on the suspect and at which time I hear an officer say, “He’s kicking. He’s kicking.” So, then I go to the feet to assist him with the hobble on his ankle. I put my bodyweight on both of the suspect’s kind of his calves to hold him in place because he’s kicking his legs so an officer can apply the hobble. I put my -- both my shins down on his -- to both of his calves. And I put my hand on one of his ankles so that they can slip the hobble on.

Officer — Firm Grips and Physical Force

According to Officer approached Chavez and observed him actively physically resisting officers. Officer observed Chavez’ left arm under an officer’s leg so he grabbed Chavez’ fingers with his left hand. Officer then used both hands to control Chavez’ left arm, while additional officers handcuffed him.

Officer recalled,

I could see that the suspect’s left arm is under the officer’s legs. At which point, with my left hand, I grabbed his fingers. And then I assisted with the -- with bringing the arm under and assisting with the handcuffing. While he’s on the ground actively resisting.

Officer — Firm Grip

According to Officer observed officers struggling with Chavez, who was kicking and fighting on the ground. Officer used hands to grab Chavez’ ankles to prevent him from kicking. Officer maintained firm grips until an officer applied the HRD to Chavez’ legs.

Officer recalled,

And I see an officer in between his legs. And in order for him not to get his crotch hit by the suspect, because his legs were kicking. I go and I help and I grab his ankles of his legs. And the he’s still kicking, still fightin’.

Officer — Bodyweight and Physical Force

According to Officer, after Chavez was carried to the front of the residence, Chavez was fighting, trying to break free from officers and then spit in Officer eye. Officer utilized bodyweight and physical force in an effort to keep Chavez on Chavez’ side because Chavez kept trying to lay on his stomach.
Officer [REDACTED] recalled,

_He kept fighting me off. He kept trying to break free from my grasp. I kept trying to maintain him on his side. I was doing my best. He kept inching towards the sidewalk, so we decided to move him back onto the grass farther. So I lifted him up and brought him farther onto the grass. We wanted to prevent him from possibly smacking his head on the sidewalk and hurting him. We were trying to take care of him the best we could._

_And he kept continuing to fight me, continuing to fight me, trying to break free from my grasp. I was trying to do my best to keep him in the proper position._

_I was waiting for FD. Seemed like he finally was resting and he wasn’t trying to fight me anymore, so I just had my hands on him, but I wasn’t pushing him down or anything like that. I wasn’t trying to hurt him at all. I was just trying to maintain control of him._

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Chavez’ resistance.

Therefore, I find Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

**Less-Lethal Use of Force**

_It is the policy of this 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 (Los Angeles Police Department Manual, Volume 1, Section 556.10).**

_The sock round is an impact munition that may be deployed on suspects who are violent or who pose a threat to themselves or others, when an officer believes,_

- **Attempts to subdue the suspect with other tactics have been, or will likely be, ineffective in the situation; or**
- **There is a reasonable belief that it will be unsafe for officers to approach within contact range of the suspect (Los Angeles Police Department Use of Force – Tactics**

The TASER may be used on suspects who are violent, or who pose an immediate threat to themselves or others, when an officer believes:

- Attempts to subdue the suspect with other tactics have been, or will likely be, ineffective in the situation; or
- It will be unsafe for officers to approach within contact range of the suspect. Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one.

Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one (Los Angeles Police Department Use of Force Tactics Directive No. 4.4, Electronic Control Device TASER – December 2015).

Officer [redacted] – Beanbag shotgun, six beanbag sock rounds from approximate distances of 40-44 feet and one TASER activation, in probe mode, from an approximate distance of 15 feet.

Beanbag Shotgun

First Sequence – Two beanbag sock rounds, in an easterly direction, from an approximate distance of 44 feet.

According to Officer [redacted], Chavez picked up a metal dustpan and waved it in a very aggressive and violent manner. Officer [redacted] then heard Sergeant [redacted] direct [redacted] to discharge the beanbag shotgun. Believing Chavez was very violent and unsafe to approach, Officer [redacted] discharged one round from the beanbag shotgun, from an approximate distance 44 feet, at Chavez’ stomach area.

Chavez continued swinging the metal dustpan around. Officer [redacted] then discharged one round from the beanbag shotgun, from an approximate distance of 44 feet, at Chavez’s stomach area to stop his action’s.

Officer [redacted] recalled,

So I’m still on beanbag. The suspect starts to get violent. He picks up a metal - - seems to be like a metal dust pan, and he starts waving it around very aggressive, very - - very violent, unsafe to approach.

At that point a sergeant gives us - - tells - - gives us a plan to - - we’re going to hit him with a beanbag and see what the effects are. So I had the clear shot. Suspect was very violent, very unsafe to approach. I was in proper distance from him, and I hit him with the beanbag. I believe it hit him around the stomach area.
The Honorable Board of Police Commissioners

Page 27

3.2

His reaction to it was kind of just a surprise, like it didn’t really hurt him. It didn’t really affect him. It was just kind of surprise. He still had the metal dust pan in his hand swinging it around, so we -- I hit him a second time. Same reaction. He doesn’t -- doesn’t really affect him. It just kind of startles him.

Second Sequence – Four beanbag sock rounds, in a northeasterly direction, from an approximate distance of 40 feet.

According to Officer [redacted] heard an officer yell, “He picked up a metal pipe.” Officer [redacted] observed Chavez holding a two to three foot metal pipe. Officer [redacted] believed that it would result in the use of deadly force if Chavez charged at officers with the metal pipe in his hand. Officer [redacted] discharged four rounds from the beanbag shotgun, from an approximate distance of 40 feet, at Chavez’s stomach area to eliminate the possibility of officers having to utilize lethal force.

Officer [redacted] recalled,

While he was in the middle of the alleyway, I hear an officer yell he has picked up a metal pipe. We then -- we then see -- we see the suspect come out a little bit of the alley, and I believe an officer hits him. And I shoot my third beanbag round. He has the metal pipe, and he’s -- he hits him and still no affect.

So I hit him -- I end up hitting him three more times. Each time he’s violent. Every time he still has that metal pipe in his hand. And I hit him every time and little affect.

Because at that time we didn’t want to use deadly force. If he were to charge us with that metal stick, he probably -- officers had -- would have possibly used deadly force. So I wanted to eliminate that factor and try to hit him with a beanbag so hopefully he dropped it or, you know, stopped him from charging at us with the stick and possibly harming one of us.

TASER

According to Officer [redacted] observed Chavez on the porch, breaking a metal mailbox pole in half. As the arrest team approached, Chavez moved off the porch onto the steps and was still violent. Officer [redacted] then discharged [redacted] TASER in probe mode, from a distance of seven to ten feet at Chavez’s stomach area. Officer [redacted] was unsure if the TASER struck Chavez, but observed that it was ineffective as Chavez ran north and jumped off of the porch.

Officer [redacted] recalled,

At one point he -- there’s a metal mailbox on the porch that he’s pulling back and forth, and he actually breaks it in half, which is not human, like superhuman [redacted]. He ends up
3.2

dropping the mat, and we make a plan to - - I know we got an arrest team and two people on
TASERS. So I'm on TASER. We approach him while he's on the porch, and he comes off the
steps, and I hit him with the TASER. I'm not too sure if where the TASER hits, but it's
ineffective.

Officer [REDACTED] - Beanbag shotgun, six beanbag sock rounds from approximate distances of
33-45 feet.

First Sequence - Three beanbag sock rounds, in a southeasterly direction, from an approximate
distance of 45 feet.

According to Officer [REDACTED], Chavez was standing on the porch of the residence acting
erratic and swinging his arms. Chavez then picked up a shovel and swung it around. Officer
[REDACTED] discharged one round from the beanbag shotgun, from an approximate distance of 45
feet, at Chavez to stop his actions. Chavez continued swinging the shovel in the direction of the
officers. In order to avoid an OIS, Officer [REDACTED] discharged two additional rounds from the
beanbag shotgun, from an approximate distance of 45 feet, at Chavez to stop his actions.

Officer [REDACTED] recalled,

At one point he picked up what appeared to be some sort of a shovel, swung that around from
a distance of approximately 25 to 30 feet from us. Officers - - I don't recall who, whether it
was officers or sergeants - - gave the Garner Warning to him regarding the use of the
beanbag. And I announced that my beanbag was ready, standing by. And after hearing
another beanbag officer make a shot due to the suspect's behavior and being unsafe to
approach and we wanted him on the ground so that we could take him into custody, I fired a
shot. Not sure if it struck the suspect or not.

Another warning was given and I fired another beanbag round after he had swung the shovel
at our direction. But like I said, it was a distance from - - of approximately possibly 25 to 30
feet. We were trying to avoid an OIS, trying to get him to cooperate.

Second Sequence - Three beanbag sock rounds, in a northeasterly direction, from an
approximate distance of 33 feet.

According to Officer [REDACTED], Chavez escalated the situation by picking up a long pipe that
was laying on the ground in between the two houses. Officer [REDACTED], along with other
officers, gave Chavez commands to, "Drop the pipe." Chavez failed to comply and swung the
pipe towards the officers. Believing that Chavez was going to charge at [REDACTED] and the other
officers with the pipe, Officer [REDACTED] discharged three rounds from the beanbag shotgun,
from an approximate distance of 33 feet, at Chavez to stop his actions.
Officer [redacted] recalled,

And then at one point as I was kind of on the palm tree towards the center of the property, he picked up a long pipe that was laying on the ground in between - - in between the two houses, and - - which escalated the situation.

We started giving commands to him to drop the pipe. He swung it at us. At that point I fired, I believe, three more beanbag rounds trying to get him to stop his actions, trying to - - you know, we were worried that he was going to charge us with the pipe. And then I exhausted my beanbag rounds, so I slung my beanbag shotgun.

Officer [redacted] - Beanbag Shotgun, eight beanbag sock rounds from approximate distances of 11-35 feet.

First Sequence - Six beanbag sock rounds, in a southeasterly direction, from an approximate distance of 35 feet.

According to Officer [redacted], observed Chavez grab a metal pipe and face officers. In order to avoid any injury to the other officers, Officer [redacted] discharged four rounds from the beanbag shotgun, from an approximate distance of 35 feet, at Chavez, causing him to drop the pipe.

Chavez then looked around, trying to arm himself. Based on Chavez' previous actions, Officer [redacted] believed Chavez was going to continue to be combative. Officer [redacted] then discharged two rounds from the beanbag shotgun, from an approximate distance of 35 feet, at Chavez to stop his actions.

Officer [redacted] recalled,

I deploy the first round, and I believe it was a strike. However, the subject didn’t drop the weapon. It seemed like he took - - he reacted to the pain. He continued to hold the - - the metal pipe. I deploy a second round. Again, he appeared to react to the pain, not dropping the pipe.

He then took a couple of steps towards the officers. I took a third round. It was ineffective. After shooting the fourth round, that's when he appeared to drop the metal pipe in between the houses of 4450 and 4456.

The additional two is he was still trying to -- looking around, trying to arm himself, trying to find any other weapons. I believe the order was given to like beanbag deploy. And I deployed one more round. It was ineffective. And I deployed the sixth round.
Second Sequence – Two beanbag sock rounds, in a southeasterly direction, from an approximate decreasing distance of 28 to 11 feet.

According to Officer [redacted], as the arrest team moved toward Chavez, the tactical plan was to utilize the beanbag shotgun and then the TASER to get Chavez to comply. Officer [redacted] observed Chavez looking for an object to use as a weapon. Officer [redacted] then discharged one round from the beanbag shotgun, from an approximate distance of 28 feet, at Chavez as the arrest team approached.

Chavez then ran north on the porch and was jumping over the railing towards Officer [redacted] direction. Officer [redacted] was aware there was a lethal cover officer, who was equipped with a Patrol Rifle, on the north end of the residence. Officer [redacted] believed the lethal cover officer would be vulnerable to Chavez’ violent behavior. Officer [redacted] then discharged one round from the beanbag shotgun, from an approximate distance of 11 feet, at Chavez causing him to turn away from officers.

Officer [redacted] recalled,

I then observe officers begin to move up. Based on our initial plan that he was going to get bean bagged and then tased, I move up with the officers lateral on the north side of the residence in the front yard and I deploy my beanbag one time.

He was looking around, looking at the ground, kind of like trying to reach down and grab something...I believe, again, that he was trying to locate any object that he can use as a weapon.

And as he was jumping back into between the houses, I deploy my beanbag one more time...

As he’s jumping, it’s to contain him. The only officers that I have was Officer [redacted] in the most northern part, and he didn’t have any - - any less lethal. He only had rifle deployed. So if he would have got him past that point in approaching Officer [redacted] Officer [redacted] would be vulnerable to the subject.

Officer [redacted] – One TASER activation, in probe mode, from an approximate distance of nine feet.

According to Officer [redacted], as [redacted] approached Chavez with the arrest team, [redacted] observed Chavez moving north on the porch. Officer [redacted] discharged [redacted] TASER in probe mode, from a distance of nine feet, at Chavez’s naval area to prevent Chavez from charging at Officer [redacted] or the other officers in the area.
Officer [REDACTED] recalled,

And at that point, the officers are already moving in on him, like we discussed earlier for the -- with the two teams and the beanbag and a Taser. And -- and I hear Taser shots coming out. Ineffective. This guy is kind of like jerking back and forth, and he takes off to the right back towards the alley. As I was assigned a Taser, I see him -- I see him try to move towards the alley. I had enough distance on him...So I deployed a Taser on him. He kind of -- he was -- he kind of moved left and right. He was jerking. And then he charged right to -- to his right. And I know there's an officer -- officers on my -- on my -- on my left, which is his right. I didn't want him to come off, to jump off that porch, which he did before and charge at my -- at my -- at myself or my partners.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], and [REDACTED], while faced with similar circumstances, would believe that the same applications of less-lethal force would be reasonable to protect themselves and other officers and to effect Chavez' arrest.

Therefore, I find Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Additional/Required Equipment

Body Worn Video – The investigation revealed that Officers [REDACTED] and [REDACTED] did not activate their BWV during their Code-Three response. Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Newton Patrol Division, was advised and addressed this issue through a Comment Card. Additionally, Captain [REDACTED] ensured that audits would be completed regarding the involved officers for a 60-day period, following the Tactical Debrief, to ensure the officers’ BWV’s are being properly activated. The commanding officers of Operations Central Bureau (OCB) and Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Digital In-Car Video System (DICVS) – The investigation revealed that Officers [REDACTED] and [REDACTED] DICVS did not activate during their Code-Three response due to a malfunction. Captain [REDACTED] was advised of the issue and addressed it by conducting an inspection of the equipment. The equipment functioned as designed during the inspection and was placed back in service. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.

Profanity – The investigation revealed that Officer [REDACTED] utilized profanity after being spit on by Chavez. This was brought to the attention of Captain [REDACTED] who addressed the issue through counseling at the divisional level. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.
Audio/Video Recordings

**Digital In-Car Video System/Body Worn Video** – Newton Division vehicles were equipped with DICVS at the time of this incident. However, none of the DICVS captured the use of force incidents.

Newton Patrol Division personnel were equipped with BWV at the time of this incident. Sergeants [redacted] and [redacted] along with Officers [redacted] and [redacted] Serial No. [redacted] and [redacted] Serial No. [redacted] BWV captured portions of the use of force incidents.

**Outside Video** – Witnesses [redacted], [redacted], [redacted], and [redacted] recorded portions of the incident with their cellular telephones.

Chief’s Direction

The UOFRB determined, and I concur, that due to the specific circumstances of this incident, Lieutenant [redacted] Serial No. [redacted] Watch Commander, Newton Patrol Division, should have responded to the scene to monitor and provide oversight. Although not receiving formal findings, the UOFRB determined, and I concur, that Lieutenant [redacted] would benefit from attending the Tactical Debrief. Therefore, I will direct Lieutenant [redacted] to attend the Tactical Debrief.

During the investigation, it was identified that multiple personnel at the incident did not have access to spit socks. In order to alleviate this situation in the future, I direct the Director of OO to cause inspections of all vehicles assigned to geographical areas to ensure they are equipped with adequate PPE supplies, including spit socks. The stocking of these items should be regularly inventoried and resupplied when necessary.

Additionally, it was determined that MEU was contacted and did not respond to the incident, because the suspect was not contained. MEU resources should have responded to this incident in accordance with MEU policy.

**Note:** Captain [redacted] Serial No. [redacted] Commanding Officer, Detective Support and Vice Division, was advised of the incident and advised that [redacted] will ensure inspections are completed for a 60 day period to ensure MEU is responding to requests from IC’s, in accordance with established MEU policy. Captain [redacted] advised that [redacted] ensured counseling was conducted for all MEU personnel assigned to the MEU Triage Desk to ensure compliance with MEU dispatch protocols. Additionally, MEU is to receive a training update on dispatch protocols during the next divisional training day.
The Honorable Board of Police Commissioners
Page 33

3.2

I am directing the Commanding Officer of Detective Bureau to review the protocols for response of MEU personnel to incidents such as these.

Respectfully,

MICHAEL R. MOORE
Chief of Police

Date: 2-26-19