

INTRADEPARTMENTAL CORRESPONDENCE

August 22, 2019

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 059-18

Honorable Members:

The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 059-18. A Use of Force Review Board (UOFRB) was convened on this matter on August 5, 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 October 29, 2018, at approximately 0827 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED], Hollywood Patrol Division, were dressed in full police uniform, driving a marked black-and-white police vehicle. The officers received a radio call of a *415 man, attempting to grab customers and employees at [REDACTED] 24-Hour Fitness, 4th floor*. Additionally, while enroute to the location, the radio call was updated to include the following information: *The suspect was now a 311 man and a battery suspect still on the 4th floor*. The officers went Code Six at the location via their Mobile Digital Computer.

According to Officer [REDACTED], while enroute to the call [REDACTED] and Officer [REDACTED] read the comments of the radio call and heard the updates from Communications Division (CD) and learned that the suspect was not wearing clothing, was *refusing to leave* and had *assaulted patrons and security officers* at the location. Upon arrival at the 24-Hour Fitness entrance, the officers briefly made contact with the manager and security guards. The officers were led to the men's locker room where they contacted the suspect, later identified as A Dorsey.

According to Officer [REDACTED], as they entered the facility, one of the employees told [REDACTED] that Dorsey was inside the men's locker room and had *assaulted* one of the employees.

[REDACTED]

According to both officers, they did not discuss a specific tactical plan while enroute to the location, nor did they formulate one upon arrival. The officers relied on their previous experience of working together for approximately one year to resolve the situation (**Tactical De-Escalation**).

According to Officer [REDACTED] and Officer [REDACTED] entered the men's locker room, but did not initially observe Dorsey. While searching for Dorsey, Officer [REDACTED] pried the corners of the room and [REDACTED] made [REDACTED] way further into the locker room. Officer [REDACTED] then observed Dorsey in the *shower room* directly across from [REDACTED] position. Officer [REDACTED] observed that Dorsey was a *very big guy* at about *six feet* tall and weighing *close to 300* pounds. Dorsey was wet from a shower and was only wearing a towel. Officer [REDACTED] further observed that there was a bench in front of Dorsey with clothing, a duffel bag and a cell phone playing loud music.

Note: The investigation revealed that the men's locker room was closed for repairs and had been barricaded with two stacked benches and yellow caution tape across its entrance. As a result, Dorsey was the only person in the locker room when the officers entered.

According to both officers, they were aware of the difference in size between Dorsey and themselves. The officers described their statures as being between five feet one-inch and five feet five-inches tall and each weighing approximately 140 to 145 pounds (**Tactical De-Escalation**).

Note: The investigation revealed that Dorsey was six feet two-inches tall and weighed approximately 280 pounds.

According to Officer [REDACTED], the security guards wanted Dorsey to leave the facility. While standing in the shower area, Officer [REDACTED] gave verbal commands to Dorsey requesting him get dressed and leave. Dorsey was not *receptive* to [REDACTED] commands and did not make any effort to follow [REDACTED] directions. Officer [REDACTED] did not want to *put hands on* Dorsey and continued to give Dorsey commands in an attempt to de-escalate the situation and *talk him* into leaving the location (**Tactical De-Escalation**).

According to Officer [REDACTED], as [REDACTED] was giving Dorsey commands, [REDACTED] realized that Dorsey was *not going with the program*. [REDACTED] then used *tactical language* to let Dorsey know that [REDACTED] was *serious*. Dorsey continued to refuse to comply with Officer [REDACTED] commands. Dorsey then walked past both officers to a sink area and then walked back to the shower area where he continued to dry himself off (**Additional Tactical Debrief Topics – Profanity**).

According to Officer [REDACTED] took latex gloves out from [REDACTED] pocket and stated, "I'm losing my patience," as a cue to Officer [REDACTED] that [REDACTED] was *about to do something*. Officer [REDACTED] observed Officer [REDACTED] putting [REDACTED] latex gloves and knew they were on the *same page*.

[REDACTED]

While the officers were donning their gloves, Dorsey started dancing and simultaneously gave them *the middle finger*. Dorsey's body language indicated to [REDACTED] that Dorsey *was not going to do anything* that they requested (**Tactical De-Escalation**).

According to Officer [REDACTED], Officer [REDACTED] asked Dorsey to put his clothes on and exit the location. Dorsey refused to comply with Officer [REDACTED] directions. Officer [REDACTED] also gave Dorsey commands to put his clothes on and advised him that he could talk with the officers outside. Dorsey did not comply with either officers' commands. Dorsey then began dancing and displayed *the middle finger* in the officers' direction. Officer [REDACTED] believed that Dorsey was not going to comply with their directions (**Tactical De-Escalation**).

Note: Officers [REDACTED] and [REDACTED] Body Worn Video (BWV) captured Dorsey gesturing toward the officers with his middle finger. Additionally, Dorsey told Officer [REDACTED] to stop talking to him and called Officer [REDACTED] a "bitch."

According to Officer [REDACTED], Dorsey was not complying with their directions and it appeared that Dorsey *wanted to control* the situation. Consequently, [REDACTED] and Officer [REDACTED] swiftly approached Dorsey from behind to detain him. Officer [REDACTED] *grabbed* Dorsey's right arm while Officer [REDACTED] *grabbed* his left arm. The officers immediately *pinned* Dorsey against a wall, which allowed Officer [REDACTED] to place a handcuff on Dorsey's right wrist. As Officer [REDACTED] attempted to *pull* Dorsey's hands behind his back to handcuff his left wrist, Dorsey began to resist by tensing up and attempting to pull his arms away from both officers (**Non-Lethal Use of Force**).

According to Officer [REDACTED] was standing in shower room doorway when [REDACTED] observed Officer [REDACTED] give [REDACTED] a *nod as* [REDACTED] started to put on [REDACTED] gloves. Officer [REDACTED] understood this as a signal that they were going to *go hands on*. As Officer [REDACTED] moved toward Dorsey and *grabbed* Dorsey's right wrist, [REDACTED] advanced and *grabbed* Dorsey's left wrist. [REDACTED] and Officer [REDACTED] then used the shower wall as a *controlling agent* and simultaneously pushed Dorsey up against the shower wall. Dorsey *tensed up*, pulled his arm away from [REDACTED] and started to resist. Officer [REDACTED] re-acquired [REDACTED] grip on Dorsey's left wrist, applied a *finger flex* and gave Dorsey commands to *stop tensing up*. Dorsey refused to comply with [REDACTED] commands and continued to resist their efforts to control and handcuff him (**Non-Lethal Use of Force**).

According to Officer [REDACTED], when [REDACTED] observed Officer [REDACTED] struggling to control Dorsey's left arm, [REDACTED] obtained a second pair of handcuffs and attempted to connect the handcuffs together in order to handcuff Dorsey's left wrist. Despite [REDACTED] attempts to do so, Officer [REDACTED] was not able to handcuff Dorsey's left wrist. Dorsey continued to move around to a position where he was facing Officers [REDACTED] and [REDACTED]. Officers [REDACTED] and [REDACTED] continued to give Dorsey commands to *relax* and *stop resisting*. Dorsey did not comply with their commands.

Note: The investigation revealed that Officers [REDACTED] and [REDACTED] BWV cameras became dislodged from their uniforms during their struggle to physically control and handcuff Dorsey in the shower area. Officer [REDACTED] BWV device fell face-down onto the

floor resulting in audio recording, but no additional video footage being captured. Officer [REDACTED] BWV device fell onto the floor face-up, resulting in audio recording, but with only a limited field of view from the camera. Audio recordings from both BWVs depicted various sounds including the sound of Officer [REDACTED] firearm being discharged during the incident.

According to Officer [REDACTED] wanted to broadcast a request for additional units as [REDACTED] and Officer [REDACTED] continued to struggle with Dorsey. Officer [REDACTED] indicated that [REDACTED] was not able to initially broadcast the request for additional units because [REDACTED] feared [REDACTED] would lose control of Dorsey's arm if were to *grab* [REDACTED] radio mic. Officer [REDACTED] was able to put out a request for additional units once [REDACTED] and Officer [REDACTED] were able to use the wall as a controlling agent. Officer [REDACTED] quickly realized that they were not going to be able to maintain control of Dorsey and then upgraded [REDACTED] request to a *backup (Tactical De-Escalation)*.

According to Officer [REDACTED], Dorsey kept pushing himself away from the wall as he resisted their efforts to control him. [REDACTED] believed that Dorsey was trying to make [REDACTED] and Officer [REDACTED] lose their balance. During the ongoing struggle, Officer [REDACTED] used profanity while [REDACTED] gave Dorsey commands to comply in an effort to let him know that they were not *playing around*. Dorsey refused to comply and increased his resistance, which allowed him to pull free from [REDACTED] grip and strike [REDACTED] face with his elbow (**Additional Tactical Debrief Topics – Profanity**).

According to Officer [REDACTED], as [REDACTED] and Officer [REDACTED] struggled with Dorsey [REDACTED] unholstered [REDACTED] TASER, and removed the dart cartridge to use in drive stun mode. Officer [REDACTED] pressed the TASER against Dorsey's chest and warned him that [REDACTED] was going to tase him, *"I'm going to tase you if you don't stop resisting. Relax."* Despite the warning, Dorsey continued to struggle against the officers. Officer [REDACTED] observed Officer [REDACTED] unholster and discharge [REDACTED] TASER in probe mode into Dorsey's back.

According to Officer [REDACTED], after [REDACTED] was struck in the face the first time, [REDACTED] remained standing and drew [REDACTED] TASER with [REDACTED] left hand. [REDACTED] then advised Officer [REDACTED] that [REDACTED] was going to tase Dorsey, *"I let my partner know I'm going to tase him."* After Officer [REDACTED] acknowledged [REDACTED] advisement, [REDACTED] discharged [REDACTED] TASER into Dorsey's back in probe mode from one foot due to the close proximity of the altercation between [REDACTED] and Dorsey (**Less-Lethal Use of Force**).

Note: Officer [REDACTED] provided an incomplete use of force warning and Officer [REDACTED] did not provide any warning. "Officers shall when feasible, give a verbal warning prior to using the TASER to control an individual. The warning is not required when an officer is attacked and must respond to the suspects actions." In this case, Dorsey was physically resisting the officers' attempts to detain him; therefore, no verbal warning was required.

[REDACTED]

According to Officer [REDACTED], Dorsey continued to resist despite being tased by Officer [REDACTED]. Believing that Officer [REDACTED] TASER activation was not effective, Officer [REDACTED] activated [REDACTED] TASER, two times, in *dry stun* mode, on Dorsey's chest. Dorsey became more enraged and Officer [REDACTED] believed that [REDACTED] TASER activations were also ineffective (**Less-Lethal Use of Force**).

According to Officer [REDACTED], after [REDACTED] second TASER activation, Dorsey increased his physical resistance against [REDACTED]. Dorsey repeatedly struck Officer [REDACTED] in the face utilizing his right fist, which still had the handcuff attached to it. Officer [REDACTED] reported that the handcuff that was on Dorsey's wrist also struck [REDACTED] on the head as Dorsey hit [REDACTED]. The physical assault resulted in Officer [REDACTED] being knocked backward into nearby lockers and walls. As a result, Officer [REDACTED] also lost [REDACTED] grip on [REDACTED] TASER and it *flew out* of [REDACTED] hand. Dorsey then focused his attention on Officer [REDACTED] and began striking [REDACTED] in the facial area with his fist. Officer [REDACTED] *re-engaged* Dorsey to stop the assault on Officer [REDACTED] and Dorsey punched [REDACTED] on the nose. As a result of being punched on the nose, Officer [REDACTED] became a little *fuzzy*.

Note: The investigation revealed that Officer [REDACTED] sustained a fracture to [REDACTED] nose, a one-centimeter laceration to the bridge of [REDACTED] nose, a red three-inch semi-circular abrasion to [REDACTED] right inner wrist area, discoloration to [REDACTED] right forearm and a three-inch vertical abrasion on the left side of [REDACTED] head above the left ear. Officer [REDACTED] also complained of pain to [REDACTED] head and was diagnosed with a concussion.

According to Officer [REDACTED], [REDACTED] was standing behind Dorsey when [REDACTED] observed him strike Officer [REDACTED] an unknown amount of times with [REDACTED] fist. As a result, Officer [REDACTED] activated [REDACTED] TASER a second time, in probe mode, *hoping it would work* to stop the assault (**Less-Lethal Use of Force**).

According to Officer [REDACTED], after being tased, Dorsey turned and began striking [REDACTED] in the face with his right fist. Simultaneously, Dorsey grabbed [REDACTED] TASER with his left hand and turned it toward [REDACTED] face. Officer [REDACTED] activated [REDACTED] TASER a third time to prevent Dorsey from getting control of the TASER and using it against [REDACTED]. Officer [REDACTED] observed that none of the TASER activations were effective in controlling Dorsey (**Less-Lethal Use of Force**).

Note: The investigation revealed that Officer [REDACTED] TASER was activated a total of five times during the incident. According to Officer [REDACTED], [REDACTED] activated [REDACTED] TASER a total of four times. During the fourth TASER activation, Officer [REDACTED] reported [REDACTED] felt electricity from *the wires* of the TASER in [REDACTED] right hand. The investigation was not able to definitively determine who activated the TASER for the last (fifth) activation, as [REDACTED] and Dorsey were struggling for control of the TASER.

[REDACTED]

According to Officer [REDACTED], Dorsey pushed [REDACTED] to the ground, stood over [REDACTED] and punched [REDACTED] in the face while holding [REDACTED] TASER in his left hand. Officer [REDACTED] did not know where Officer [REDACTED] was and did not want Dorsey to use the TASER on [REDACTED] face and then *get a hold of [REDACTED] gun.*

According to Officer [REDACTED], as [REDACTED] regained [REDACTED] composure from being punched in the nose, [REDACTED] considered what other force options [REDACTED] had available, including OC (spray) and [REDACTED] Asp (baton). [REDACTED] then observed Officer [REDACTED] on the ground in a defensive position, with Dorsey standing over [REDACTED] *throwing massive punches at high velocity to [REDACTED] face.* Officer [REDACTED] recalled that Dorsey *was severely punching [REDACTED] (Officer [REDACTED] in the head.* While Dorsey was punching Officer [REDACTED], *the chain of the handcuffs were also hitting [REDACTED].* Based upon [REDACTED] observations and belief that Dorsey was *trying to kill Officer [REDACTED] or cause as much serious bodily injury to [REDACTED] as [REDACTED] could,* Officer [REDACTED] drew [REDACTED] service pistol and pointed it at Dorsey **(Drawing/Exhibiting).**

Note: The investigation revealed Officer [REDACTED] sustained swelling and discoloration to the left side of [REDACTED] face, a half inch abrasion behind the right knuckle of [REDACTED] index finger, a strained left hamstring and a left knee sprain.

According to Officer [REDACTED], Officer [REDACTED] tried [REDACTED] best to defend [REDACTED], however *there was no way [REDACTED] could protect [REDACTED] due to Dorsey's size.* Officer [REDACTED] believed that if [REDACTED] *waited any longer, that next punch could have been the deadly one.* Officer [REDACTED] fired approximately four rounds from [REDACTED] service pistol at Dorsey to stop him from causing *SBI and/or death to Officer [REDACTED] (Lethal Use of Force).*

Note: The investigation revealed that Officer [REDACTED] fired five rounds from [REDACTED] service pistol.

According to Officer [REDACTED] assessed quickly between each round and observed that Dorsey was continuing to punch Officer [REDACTED]. After firing [REDACTED] last round, Officer [REDACTED] observed Dorsey *fall back* onto the ground. Officer [REDACTED] was then able to stand up. Officer [REDACTED] broadcast a Help Call for shots fired and advised that *the suspect was down.*

Note: The Los Angeles County Sheriff's Department (LASD), Scientific Services Bureau (SSB), Biology Section, conducted a bloodstain pattern analysis report regarding the incident, File No. 18-06-23069.

"The projected bloodstain patterns and the spatter bloodstains on the pants of Officer [REDACTED] are consistent with the officer being on the ground, to the south of and below Mr. Dorsey at some time during the shooting incident."

"Bloodstains on the pants, the Taser gun, the decedent and on the area immediately surrounding the decedent were generated when blood projected forward of, to the right of and behind Mr. Dorsey. Back spatter can account for spatter stains in front of and to the

right of the decedent. The above-mentioned bloodstains and the bloodstains on the decedent indicate that Mr. Dorsey was low to the ground with his upper torso in a somewhat upright position when he was shot. The bloodstain patterns on the thighs of Mr. Dorsey are consistent with his thighs being in a somewhat horizontal position when these bloodstain patterns were deposited. The projected bloodstain patterns and the spatter bloodstains on the pants of Officer [REDACTED] are consistent with the officer being on the ground, to the south of and below Mr. Dorsey at some time during the shooting incident.”

The analysis indicated Dorsey was holding Officer [REDACTED]’ TASER in [REDACTED] left hand at the time of the OIS. The report stated, “The bloodstain patterns on the Taser gun and on the left hand are consistent with Mr. Dorsey holding the Taser gun at the time of the shooting incident (the blood spattering event).”

According to Officer [REDACTED], [REDACTED] requested a Rescue Ambulance (RA) for Dorsey after Officer [REDACTED] *put out a help call.*

In response to the Help Call, additional units arrived at scene, including Lieutenant [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, who declared [REDACTED] the Incident Commander (IC). [REDACTED] broadcasted a Code Four and ensured that a Public Safety Statement (PSS) was obtained from Officers [REDACTED] and [REDACTED]. Lieutenant [REDACTED] also ensured that Officers [REDACTED] and [REDACTED] were separated and monitored after the incident.

Los Angeles Fire Department personnel responded to the incident and treated Dorsey for multiple gunshot wounds to his torso. Dorsey was pronounced dead at the scene at 0925 hours.

FINDINGS

Tactics – Administrative Disapproval, Officers [REDACTED] and [REDACTED].

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

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

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

Lethal Use of Force– In Policy, No Further Action, Officer [REDACTED].

ANALYSIS

Detention

The officers received a radio call of a battery suspect who was not wearing clothing and refusing

[REDACTED]

to leave the location. The Person Reporting directed the officers to the suspect's location. After several minutes of attempting to communicate with the suspect, the officers attempted to detain him, which resulted in the use of force. 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.

Note: 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.

Tactical De-Escalation Techniques

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

Officers [REDACTED] and [REDACTED] did not effectively utilize tactical de-escalation techniques during the incident.

In this case, Officers [REDACTED] and [REDACTED] did not formulate a tactical plan prior to encountering the suspect. Upon arrival at the incident, neither officer obtained details of the incident or suspect from the staff at the facility. Upon observing Dorsey, the officers did not properly assess the threat that the suspect posed to them, i.e.: suspect's size in relation to their own, his non-compliance to their commands and his escalating aggressive behavior toward the officers.

The UOFRB was critical of the officers' lack of utilizing time to redeploy, request of additional resources and maintaining lines of communication with the suspect prior to attempting to handcuff him. By not observing the warning signs of a potentially violent suspect, the officers acted too quickly and placed themselves at a tactical disadvantage during the incident.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the officers' actions of not formulating a tactical plan, assessing the suspect's threat level, redeploying, and utilizing time to request and wait for additional resources was a substantial deviation, without justification, from approved Department tactical training.

During the review of the incident, the following Debriefing Topics were noted:

Additional Tactical Debrief Topics

Profanity – The investigation revealed that Officers [REDACTED] and [REDACTED] used profanity while giving Dorsey commands and throughout their contact with him. Although the officers indicated that their use of profanity was intended to establish greater command presence due to the suspect not complying with their commands, Officers [REDACTED] and [REDACTED] are reminded that the use of profanity may unnecessarily escalate the situation. I will direct that this be a topic of discussion during the Tactical Debrief.

Proper Use of TASER in Drive-Stun Mode – The investigation revealed that Officer [REDACTED] removed the cartridge from the TASER prior to activating [REDACTED] TASER in drive-stun mode. Officer [REDACTED] is reminded that to maximize the effectiveness of the TASER, the cartridge should remain attached to the TASER. After the TASER cartridge is discharged on the suspect, then the TASER can be applied in what is referred to as a three point drive-stun to an area of the body away from the probe impact site to maximize the effect of the Neural Muscular Incapacitation (NMI). It was also noted that Officer [REDACTED] activated [REDACTED] TASER in probe mode from a distance of approximately one foot. TASER applications are most effective when discharged in probe mode from a distance of seven to 15 feet as the spread of the probe darts maximizes the effectiveness of NMI. The three-point drive-stun is the recommended mode for instances where a TASER must be utilized in close proximity to a suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

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

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

Lieutenant [REDACTED] arrived and declared [REDACTED] the IC. [REDACTED] ensured that Officers [REDACTED] and [REDACTED] were separated, monitored and that a PSS was obtained from each officer. The actions of this supervisor were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas 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.

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officers [REDACTED] and [REDACTED] substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Therefore, I will direct that Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and 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 May 9, 2019, Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered including Situational Awareness, TASER, when to broadcast a back-up request, and Force Option Simulator.

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 556.80).

According to Officer [REDACTED] observed Officer [REDACTED] on the ground in a defensive position, with Dorsey standing over [REDACTED] *throwing massive punches at high velocity to [REDACTED] face. Dorsey was severely punching [REDACTED] (Officer [REDACTED]) in the head. While Dorsey was punching Officer [REDACTED], the chain of the handcuffs was also hitting [REDACTED]. Based upon [REDACTED] observations and belief that Dorsey was trying to kill Officer [REDACTED] or cause as much serious bodily injury to [REDACTED] as [REDACTED] could, Officer [REDACTED] drew [REDACTED] service pistol and pointed it at Dorsey.*

Officer [REDACTED] recalled,

Meaning [REDACTED] almost - - from my view it's almost like [REDACTED] almost in like a fetal position but trying to cover [REDACTED] face. And I observed the suspect standing over [REDACTED] throwing massive punches at high velocity just to [REDACTED] face and seeing the chain of the handcuffs hitting [REDACTED] and everything. It looked like he was just trying to kill [REDACTED], just trying to do as much serious bodily injury to [REDACTED] face and/or kill [REDACTED].

I went to my weapon after recovering from the punch and observed at this point that my partner was on the ground and the suspect was severely punching [REDACTED] in the head - - in the face [REDACTED]

It looks like [REDACTED] doing [REDACTED] best to shield [REDACTED] face, which was not successful, because this suspect was standing over [REDACTED] and all his punches, along with the metal object of the - or the metal handcuffs [REDACTED]

[REDACTED]

His elbow was – don't know really how to describe this - - above his waist and then throwing them down but in rapid succession. Extremely fast. Just connecting towards [REDACTED] face. And [REDACTED] head from what I observed was close also to the tile floor, which what he had - - and so it was also just slamming. And I knew [REDACTED] was going to - - like either cause death, SBI. [REDACTED] was going to lose consciousness. Because at this point I knew there was not much [REDACTED] could do. [REDACTED] was at such a disadvantage at this point [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], 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 Officer [REDACTED] Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

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 Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
 - *The level of threat or resistance presented by the subject;*
 - *Whether the subject was posing an immediate threat to officers or a danger to the community;*
 - *The potential for injury to citizens, officers or subjects;*
 - *The risk or apparent attempt by the subject to escape;*
 - *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
-
- [REDACTED]

- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

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] – Firm grips, physical force, and bodyweight

According to Officer [REDACTED] and Officer [REDACTED] approached Dorsey because he was not complying and they wanted to control the situation. Officer [REDACTED] grabbed Dorsey's right arm and Officer [REDACTED] grabbed his left arm. The officers then pinned Dorsey against a wall. Officer [REDACTED] handcuffed Dorsey's right wrist and attempted to pull Dorsey's hand behind his back to handcuff the left wrist. Dorsey began to resist and pulled his arm away from Officer [REDACTED].

Officer [REDACTED] recalled,

We (Officers [REDACTED] and [REDACTED]) wanted to control it and, you know, we were -- we were losing it if, you know, he wasn't complying [REDACTED]

Gave him the last request. He danced. He flipped us off. And so walked over, grabbed his right arm. [REDACTED] grabbed his left immediately, and he was -- we kind of sort of pinned him against the wall that was closest to us. I immediately put my handcuffs on him, took a few seconds just because of the size of his wrist. And at that point I was going to pull his hand, so that my -- we could grab the other arm that my partner had to put him in both cuffs. But that's when he began to resist and start to pull his arm away from [REDACTED]

[REDACTED]

According to Officer [REDACTED], when [REDACTED] observed Officer [REDACTED] struggling to control Dorsey's right arm, [REDACTED] obtained a second pair of handcuffs and attempted to connect the handcuffs together in order to handcuff Dorsey's left wrist. Dorsey continued to struggle and faced the officers. The officers told Dorsey to relax and stop resisting, but could not control his arms. Again, the officers pushed Dorsey against the wall as a controlling agent.

Officer [REDACTED] recalled,

And so as we were trying to pull his arm. It was easy for him to kind of pull away and slide away a little bit, because we were losing kind of our grip. So at that point, you know, I let [REDACTED] know quickly like I'm going to grab your cuffs and I was going to try to hook both of them together to make a longer chain of cuffs, because he was such a heavyset guy that maybe that would have been easier. [REDACTED]

At some point he started kind of facing us and we were, you know, swinging back and forth. And during this struggle, you know, we would tell him, "Just relax. Relax. Relax. You know, stop resisting. Relax. Stop." You know, and we're still actively trying to put his hands together, as well as push him against the wall next to us to use that as a controlling agent. [REDACTED]

My left shoulder to his midback and kind of just hold him - - pin him together against the wall [REDACTED]

Officer [REDACTED] – Firm grips, joint lock, and bodyweight

According to Officer [REDACTED], Officer [REDACTED] handcuffed Dorsey's right wrist and when [REDACTED] grabbed Dorsey's left wrist, he tensed up and pulled his arm away. Officer [REDACTED] used a finger flex and gave Dorsey commands to stop tensing up, but Dorsey resisted the whole time. Additionally, [REDACTED] and Officer [REDACTED] pushed Dorsey against the wall to use it as a controlling agent.

Officer [REDACTED] recalled,

so I grabbed - - I grabbed - - with my left hand, I grabbed his wrist and I turned it towards me...I tried, but then he tensed up and he was pulling forward now...He - - when he saw that I was trying to do the finger - - I also tried to do a finger flex back, and he tensed up and he pulled his arm away, tried to break free from my grip. [REDACTED]

The suspect broke free - - was able to break free away from mine and that's when my partner told me to go to the right - - to the right side and he handed me the cuffs. And then my

[REDACTED]

partner tried to gain the -- his -- the suspect's left arm. The suspect then raised his arm over his head, and he said he wasn't -- he wasn't doing anything. He's like, "Look, I'm not doing anything." But he wasn't going with what we were asking him to do the whole time

He kept pushing. He used his body weight and kept pushing away from the wall. I told my partner, "Let's use the wall," as a controlling agent, and he kept pushing back away.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED] and [REDACTED], while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Dorsey's resistance as he had physically resisted the officers' attempts to take him into custody.

Therefore, I find Officers [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).*

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are "capable of inflicting significant pain and may cause serious injury." Therefore, consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

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

An officer may use the TASER as a reasonable force option to control a suspect when

[REDACTED]

the suspect poses an immediate threat to the safety of the officer or others.

The optimal range for the X-26 TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation (Los Angeles Police Department Use of Force Tactics Directive No. 4.5, Electronic Control Device TASER -July 2018).

Officer [REDACTED] – TASER, two five-second activations in drive-stun mode.

According to Officer [REDACTED] obtained [REDACTED] TASER, removed the cartridge and warned Dorsey that [REDACTED] was going to tase him but did not. Officer [REDACTED] then removed and discharged [REDACTED] TASER on Dorsey in probe mode which was ineffective. Officer [REDACTED] then activated [REDACTED] TASER in drive stun mode on Dorsey's back. Officer [REDACTED] released Dorsey and then activated his TASER a second time on Dorsey's back.

Officer [REDACTED] recalled,

So he's facing away from us. We're in front of the sinks facing towards the wall -- the partition that separates the entrance from the sink room. And that's at that point I take out my Taser, release my grip from his arm, and then throw my cartridge out and then regain, again, control, as best I could, of his arm and then put my -- using my left arm, reach around to the front and put it (TASER) against his chest. And tell him, "If you don't cease resisting or if you don't stop or relax or tell him to relax, I'm going to tase you. [REDACTED]"

I did utilize my TASER, sir. Again, it's a bit fuzzy. But to the best of my recollection, I utilized my TASER and tased him in the back shortly, I believe, after my partner discharged [REDACTED] TASER. [REDACTED]"

I activated it shortly after my partner activated [REDACTED] -- [REDACTED] darts. And when he froze up and decided not to go with the program again, I tried again...I believe that I activated it again on his back. [REDACTED]"

Officer [REDACTED] – TASER, five five-second activations in probe mode from an approximate distance of one foot.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] TASER with [REDACTED] left hand while still attempting to control Dorsey's arm with [REDACTED] right hand. Dorsey struck Officer [REDACTED] in the face with his elbow. [REDACTED] advised Officer [REDACTED] that [REDACTED] was going to tase Dorsey then discharged [REDACTED] TASER in probe mode into Dorsey's back.

Officer [REDACTED] recalled,

[REDACTED]

So he (Dorsey) still refuses and at one point then he strikes me -- he pulls his elbow back striking me in my face. I then grab my TASER with my left hand, and I let my partner know I'm going to tase him. And my partner's like, "Go. Do it. Do it." Because he sees that he's just now waving his elbow back at us... I activated the TASER.

According to Officer [REDACTED], [REDACTED] observed Dorsey punch Officer [REDACTED] an unknown number of times. [REDACTED] could not see what happened to Officer [REDACTED] so [REDACTED] activated [REDACTED] TASER a second time. Dorsey then turned toward Officer [REDACTED], began punching [REDACTED] in the face with a fist, while simultaneously grabbing [REDACTED] TASER with his left hand from [REDACTED]. Dorsey turned the TASER towards Officer [REDACTED]'s face and [REDACTED] activated [REDACTED] TASER a third time to prevent Dorsey from getting control of the TASER and using it on [REDACTED].

Officer [REDACTED] recalled,

I activated the TASER again to see -- hoping it would work again -- or hoping it would work. I activated the TASER and again and then he turned over to me and that's when he started punching me in the face.

At this point he grabs the TASER from my hand and he points it towards me -- the TASER. So now the TASER is pointing towards my face, and I could feel the electricity going off on my -- I don't know if I -- again, pressed the TASER at this point. I didn't want him to get ahold of the TASER. I didn't want him to tase me in the face.

Note: The investigation revealed that Officer [REDACTED] TASER was activated a total of five times during the incident. According to Officer [REDACTED], [REDACTED] activated [REDACTED] TASER a total of three times. The investigation was not able to definitively determine who activated the TASER for the last two (four and five) activations, as Officer [REDACTED] and Dorsey were struggling for control of the TASER.

It could have been him or I. Within the struggle, I don't know who exactly pulled the trigger.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [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 to effect Dorsey's arrest. Dorsey physically resisted the officers' attempts to take him into custody and escalated the incident by physically assaulting the officers.

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

[REDACTED]

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer [REDACTED] – 9mm, five rounds in a northwesterly direction from an approximate distance of five to seven feet.

According to Officer [REDACTED], Officer [REDACTED] was not able to successfully defend [REDACTED] from Dorsey's strikes due to his physical size as well as his standing position over [REDACTED]. Officer [REDACTED] believed that if [REDACTED] waited longer, the next punch could have been a deadly one. Officer [REDACTED] fired approximately four rounds from [REDACTED] service pistol at Dorsey to stop him from causing SBI and/or death to Officer [REDACTED].

Note: The investigation revealed that Officer [REDACTED] fired five rounds from [REDACTED] service pistol.

Officer [REDACTED] recalled,

But as I'm doing that, within that split second, I'm thinking what other tools do I have on my belt? I realize the last tool (service pistol) - - I mean, I do have OC, which I know would be ineffective. So Asp (baton) was my next thinking. But as I thought about that, I'm looking at the suspect and this point my partner. - - I observed that [REDACTED] is on the ground in a somewhat laid down defensive position. Meaning [REDACTED] almost - - from my view it's almost like [REDACTED]'s almost in like a fetal position but trying to cover [REDACTED] face. And I observed the suspect standing over [REDACTED] throwing massive punches at high velocity just to [REDACTED] face and seeing the chain of the handcuffs hitting [REDACTED] and everything. It looked like he was just trying to kill [REDACTED] just trying to do as much serious bodily injury to [REDACTED] face and/or kill [REDACTED]. There was no way. [REDACTED] was trying [REDACTED] best to defend [REDACTED] because of the size difference of him and [REDACTED] and the power and the advantage that he had standing over [REDACTED]. And all of it was just face and head cranial shots the whole time. So I observed that. I drew out my pistol and - - my service weapon, pointed it towards him, and fired approximately four shots - - saw some

casings, so I believe it's five - - and to stop the suspect from causing SBI and/or death to my partner.

I'm not sure exactly specifically how many seconds or milliseconds in between each shot, but I did assess that he was still continuing, not stopping. And if I even waited any longer, that next punch could have been the deadly one. And I did not want to take that chance.

Note: The FID investigation revealed that Officer [REDACTED] fired five rounds at Dorsey, from an approximate distance of five to seven feet, in rapid succession in a northwesterly direction. Officer [REDACTED] fired his first round at Dorsey as he was punching Officer [REDACTED]. Officer [REDACTED] indicated that [REDACTED] assessed after firing each of rounds one through four and continued to fire because Dorsey continued to punch Officer [REDACTED]. As Officer [REDACTED] fired [REDACTED] fifth round, Dorsey stopped his assault on Officer [REDACTED] and fell back and away from [REDACTED]. According to Officer [REDACTED] [REDACTED] briefly assessed between all the rounds he fired taking into consideration the exigent circumstances and the likelihood that his partner was going to suffer serious bodily injury and or death.

Due to noise reverberation inside the locker room, FID detectives were unable to measure the time lapse between each round fired. The total time between Officer [REDACTED] first and last rounds was determined to be approximately three seconds.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], would reasonably believe Dorsey's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable. I noted that Dorsey had already been engaged in a prolonged physical struggle with officers who had attempted verbalization and a variety of force options, which included multiple ineffective deployments of the TASER. After knocking Officer [REDACTED] to the ground and knocking Officer [REDACTED] backward, Dorsey continued to punch Officer [REDACTED] in the head area while also physically struggling with [REDACTED] over possession of [REDACTED] TASER. Dorsey's punches also caused the chain of the handcuff that was on his wrist to strike Officer [REDACTED] on [REDACTED] head. Additionally, Officer [REDACTED] had already sustained a fractured nose and concussion from Dorsey's assault on him. Officer [REDACTED] considered other force options, but determined that discharging [REDACTED] service pistol was reasonable and necessary.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

Body Worn Video (BWV) Activation/Issues – The investigation revealed that Sergeants [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, had been recently assigned to the division and had not yet been issued BWV cameras at the time of the

[REDACTED]

incident. Officer [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, did not activate [REDACTED] BWV during the incident. Lieutenants [REDACTED] and [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, were not wearing their issued BWVs at the time of the incident due to being scheduled for administrative duties to attend a briefing with the Commanding Officer of Operations West Bureau (OWB). Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Hollywood Area, was advised of these issues and addressed them in the following manner: Sergeants [REDACTED] and [REDACTED] were issued BWV cameras and received divisional training; Officer [REDACTED] due to a previous incident involving the non-activation of [REDACTED] BWV, received Personnel Complaint CF No. [REDACTED] and Lieutenants [REDACTED] and [REDACTED] received divisional training, which were memorialized on Supervisory Action Items. The commanding officer of OWB and the Director of the Office of Operations concurred with these actions. As such, I deem no further action is necessary.

Supplemental Information – On October 28, 2018, at approximately 0430 hours, Dorsey, was in the parking structure of the 24-Hour Fitness, [REDACTED] Dorsey approached a security guard in the parking structure and without provocation, punched [REDACTED] in the face and back of the head. The security guard was rendered unconscious. Dorsey fled the location prior to Los Angeles Police Department arriving. The security guard was hospitalized at Hollywood Presbyterian Hospital for several days after the incident. Officers [REDACTED] and [REDACTED] did not have knowledge of Dorsey's prior activities at their time of contact.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Due to the incident occurring inside of the 24-Hour Fitness facility, it was not captured on DICVS. Officers [REDACTED] and [REDACTED] BWV cameras captured portions of the use of force incident. Due to their BWVs becoming dislodged and falling to the floor during the incident, only audio of the OIS was captured on BWV.

Outside Video – Surveillance cameras located inside of the 24-Hour Fitness facility at [REDACTED] captured the activity of the suspect, witnesses and officers in the hallway outside of the locker room. There were no video cameras located in the shower area or locker room.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: 8.22.19