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on January 1, 2019, a redacted version  
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California Public Records Act.**

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 13, 2016

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: LAW ENFORCEMENT-RELATED INJURY – 047-15 FOR 4/19/16  
CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
North Hollywood	6/18/15	4:34 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Pooler, M./PO III	28 years, 7 months
Hansen, G./PO II	6 years, 10 months
Jones, W./PO II	5 years, 8 months
Lamoureux, B./PO II	3 years, 9 months
Montoya, K./PO II	7 years, 2 months

<u>Total Involved Officer(s)</u>
2 x PO III
4 x PO II

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Norberto Villafuerte: Male, Hispanic, 29 years old.			

**COP Recommendations**

**Tactics** – Tactical Debrief, Officers Hansen, Lamoureux, Ahedo, Pooler, Montoya and Jones.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Hansen, Lamoureux and Ahedo.

**Non-Lethal Use of Force** – In Policy, No Further Action, Officers Hansen, Lamoureux, Montoya, and Jones.

**Less-Lethal Use of Force** – In Policy, No Further Action, Officer Pooler.

## **IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Non-Lethal Use of Force** – Same as COP.

**Less-Lethal Use of Force** – Same as COP.

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## INVESTIGATION

### Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>

On Thursday, June 18, 2015, at approximately 1630 hours, North Hollywood Patrol Division uniformed police officers responded to a radio call of a 415 man assaulting a woman. When the officers arrived at the location, they were advised by a [REDACTED] that the suspect and victim had left and were walking eastbound on Lemay Street. The officers began travelling eastbound from the location in their vehicle to locate the suspect and victim. They observed the suspect and victim walking east on the north sidewalk. As the officers approached, they ordered the suspect to stop. The suspect immediately grabbed the victim around the neck in a chokehold, causing the victim to have difficulty breathing. The suspect began backing away from the officers, while using the victim as a shield. After additional officers arrived and the suspect failed to comply with officers' continued demands to release the victim, three beanbag rounds were fired at the suspect, effectively rescuing the hostage and allowing the suspect to be taken into custody. The suspect sustained injuries from the beanbag that required hospitalization and resulted in classifying the incident as a Law Enforcement-Related Injury (LERI).

The victim, [REDACTED] and the suspect, Norberto Villafuerte, had been [REDACTED] for approximately [REDACTED]. They spent the night of June 17, 2015, sleeping in a car, which was parked in the driveway of [REDACTED]. The vehicle was parked across the street from the [REDACTED], [REDACTED] and [REDACTED] and [REDACTED].

On June 18, 2015, Villafuerte became involved in an argument with [REDACTED] and [REDACTED]. There was an ongoing dispute involving the [REDACTED] and [REDACTED]. The [REDACTED] had accused [REDACTED] of breaking a table and threatening to kill [REDACTED]. Villafuerte's [REDACTED]

This enraged Villafuerte, and in an attempt to show his loyalty to [REDACTED], he pulled [REDACTED] out of the car and began punching her. [REDACTED] attempted to flee and Villafuerte grabbed her by the hair, pushed her to the ground and continued to punch her in the head and body. They fell to the ground and a [REDACTED] [REDACTED] tried to separate them.

**Note:** [REDACTED] stated [REDACTED] for a few moments while on the ground.

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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

Villafuerte eventually pulled [REDACTED] off the ground, forced her across the street and began to wash the blood off her with a garden hose. Villafuerte had now armed himself with a knife and ordered [REDACTED] to start walking. [REDACTED] told Villafuerte to drop the knife or she would not leave with him. Villafuerte initially refused and stated, "No, because if the cops come, I'm taking your life."<sup>2</sup>

Villafuerte eventually discarded the knife and he and [REDACTED] began walking east on Lemay Street.<sup>3</sup>

**Note:** The knife was never located.

At 16:25:23 hours, Communications Division (CD) received a 911 call from [REDACTED]. [REDACTED] reported that [REDACTED], Norberto Villafuerte, was hitting a female and threatening him, and he was worried that Villafuerte might kill the female. [REDACTED] also advised CD that Villafuerte was a wanted parolee.<sup>4</sup>

At 16:27:00 hours, CD broadcast a call of a 415 man assaulting a woman [REDACTED] to [REDACTED] Fair Avenue. North Hollywood Patrol Division uniformed Police Officers II Grant Hansen, Serial No. 39551, and Brent Lamoureux, Serial No. 40866, Unit 15A27, advised CD that they would handle the call.<sup>5</sup> Officer Hansen was the driver of their black and white vehicle, Shop Number 89396. The officers responded Code Three. The officers recognized the location from a conversation that they had at the beginning of their watch.

**Note:** This was the first time the officers had worked together. At the beginning of their watch, they discussed tactics and drove past [REDACTED] Fair Avenue. Officer Hansen advised Officer Lamoureux that he had been threatened by an occupant of the residence during a prior arrest. Since the location was in their basic car area, Officer Hansen had wanted to make sure that Officer Lamoureux knew of the potential for violence at the location.

The investigation determined that the occupant of the residence from the prior arrest was Norberto Villafuerte. (Addendum No. 1)

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<sup>2</sup> [REDACTED] Page 29, Lines 19-20.

<sup>3</sup> Portions of Villafuerte physically assaulting [REDACTED] were captured on video from cameras located at [REDACTED] residence.

<sup>4</sup> Villafuerte was on Federal Probation and not parole. He was not officially wanted at that time.

<sup>5</sup> Officers Hansen and Lamoureux were wearing ballistic vests and had Department-approved handguns, spare magazines, handcuffs and canisters of Oleoresin Capsicum (OC) attached to their Sam Browne equipment belts. Officer Lamoureux had his side-handle baton on his equipment belt and Officer Hansen had an ASP baton on his equipment belt and a TASER in a holster. Neither officer was carrying a Hobble Restraint Device (HRD).

At 16:29:50 hours, Officers Hansen and Lamoureux arrived at the location. Officer Hansen parked his vehicle at the west curb, approximately one house north of the location. Officer Lamoureux notified CD they were Code Six via the radio and the two officers exited their vehicle. The officers observed [REDACTED] walking down her driveway toward the street. [REDACTED] pointed in an easterly direction and advised Officer Hansen that the suspect and victim had left in that direction.

**Note:** Officer Lamoureux believed that [REDACTED] was speaking to Officer Hansen in Spanish.

The officers returned to their vehicle, drove eastbound on Lemay Street and observed Villafuerte and [REDACTED] walking eastbound on the north sidewalk. Villafuerte looked back several times in the officers' direction.

At 16:30:50 hours, as the officers approached Villafuerte, Officer Lamoureux updated CD and advised that they were with the suspect on Lemay Street east of Fair Avenue.

**Note:** Officer Hansen believed the two were walking in close proximity, with Villafuerte slightly behind [REDACTED]

Officer Lamoureux believed that Villafuerte had his right arm around [REDACTED] shoulder area while they were walking.

Officer Hansen stopped the police vehicle west of Villafuerte and the officers exited while ordering Villafuerte to stop and put his hands up. Villafuerte immediately grabbed [REDACTED] around her throat with his left arm and stated, "Fuck you."<sup>6</sup>

Villafuerte began choking [REDACTED] with his left arm and turned so that [REDACTED] was facing the officers, positioned between him and the officers. Villafuerte made several movements with his right hand as if he was reaching for a weapon in both his front and rear waistband area. Officer Lamoureux unholstered his pistol, held it in a two-hand grip and pointed it at Villafuerte.

**Note:** Officer Lamoureux stated that he had his finger on the trigger at times, preparing to respond immediately and fire if [REDACTED] appeared unable to breathe or Villafuerte removed a weapon from his waistband.

Officer Hansen unholstered his pistol and held it in the low-ready position. Villafuerte began walking backward, while continuing to hold [REDACTED] in a choke-hold and using her as a shield.

At 16:31:20 hours, Officer Lamoureux requested a backup. Within seconds, Officer Hansen upgraded it to a help call. Officer Lamoureux then advised CD, "We have a subject at gunpoint, holding a hostage."<sup>7</sup>

<sup>6</sup> Officer Hansen, Page 8, Lines 23-24.

<sup>7</sup> North Hollywood frequency broadcast at 16:31:30 hours.

**Note:** Villafuerte used [REDACTED] as a shield for approximately 56 feet as he backed up into the [REDACTED].

Diagram not to scale  
PD#1-16 N HAWK LEMAY  
Completed by: John Steen II 803614

LEGEND

- Suspect's first location
- Suspect's second location
- Officer Halsey's location
- Officer Larson's location

Garport

Lemay Street

Ensign Avenue

7

**OIG Note No. 1:** According to [REDACTED] "And he [Villafuerte] pretends he has something in my back. He didn't have anything. Good thing I told him to leave the knife because if he didn't -- if he had that knife, I would have been gone."<sup>8</sup>

At 16:33:50 hours, North Hollywood Patrol Division uniformed Senior Lead Police Officer III+I Gabriel Ahedo, Serial No. 33107, Unit 15SLO3, arrived at the location.<sup>9</sup> As Officer Ahedo arrived, he saw the officers with their guns drawn pointed northbound in the driveway. He made his way to that area and observed Villafuerte crouched in the corner, his left arm around [REDACTED] neck, and his right arm concealed between his body and hers. Officer Ahedo unholstered his pistol, held it in a two-hand grip and pointed it at Villafuerte. The officers continued ordering Villafuerte to release [REDACTED] and he continued his noncompliance. Villafuerte stood up and continued to choke [REDACTED] while using her as a shield.

**OIG Note No. 2:** According to Officer Ahedo, he told the suspect to, "Release her man. Let her go, let her go. You don't want this. Let her go." Officer Ahedo also heard Officers Hansen and Lamoureux state, "Hey, just let her go. Release her. Let her go. Let me see your hands. Let me see your hands."<sup>10</sup>

North Hollywood Patrol Division uniformed Police Officer III Marc Pooler, Serial No. 25194, and Police Officer II Karen Montoya, Serial No. 39355, Unit 15A67, arrived at the location.<sup>11</sup> As the officers were parking at the location, Officer Pooler advised Officer Montoya that he was going to retrieve the beanbag shotgun and Montoya advised she would retrieve the shotgun.<sup>12</sup> Officer Montoya attempted to recover the shotgun and discovered the keys had been removed from the vehicle, which required her to use her keys in order to unlock the shotgun.

**Note:** Officer Montoya stated that when she first exited her vehicle, she unholstered her pistol and then immediately reholstered to recover the shotgun.

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<sup>8</sup> [REDACTED] Page 70, Lines 21-24.

<sup>9</sup> Officer Ahedo was wearing his ballistic vest and had his Department-approved handgun, spare magazines, handcuffs and canister of OC attached to his Sam Browne equipment belt. He also had an ASP baton and a HRD attached to his equipment belt.

<sup>10</sup> Officer Ahedo, Page 22, Lines 7-11.

<sup>11</sup> Officer Pooler, 5 feet 10 inches tall, 215 pounds, 51 years old, 28 years, 7 months with the Department. Officers Pooler and Montoya were wearing ballistic vests and had Department-approved handguns, spare magazines, handcuffs and canisters of OC attached to their Sam Browne equipment belts. Officer Pooler had his ASP baton on his equipment belt and Officer Montoya had her side-handle baton in their vehicle. Neither officer was carrying a HRD.

<sup>12</sup> The beanbag shotgun was located in the rear compartment of the police vehicle, which was a Ford Explorer. The Explorers do not have a remote hatch release; therefore, Officer Pooler had to remove the keys from the ignition to unlock the hatch.

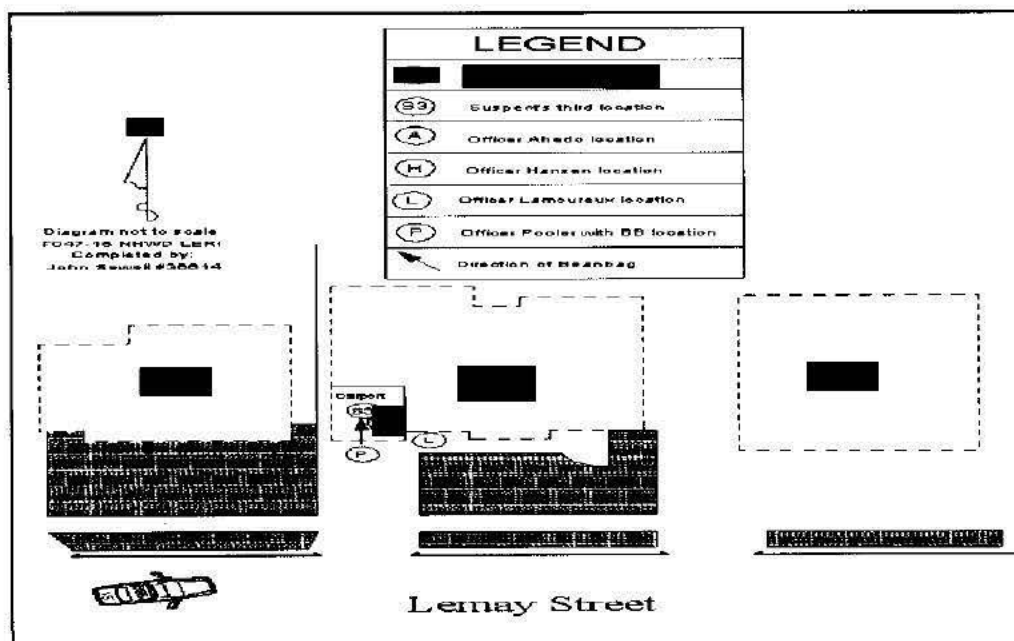
Officer Pooler removed the beanbag shotgun from the rear of his vehicle and ran toward the other officers' location.

**Note:** Officer Ahedo stated he advised the other officers that Officer Pooler had arrived with the beanbag shotgun and he told Officer Pooler to fire the beanbag shotgun. The other officers did not hear this. Officer Hansen stated he observed Officer Pooler arrive with the beanbag shotgun and he told Officer Pooler to fire it. Officer Pooler did not hear this.

Officer Pooler observed Villafuerte with his left arm around [REDACTED] neck. He observed the three other officers had their guns unholstered and were ordering Villafuerte to release [REDACTED]. Villafuerte was not complying and as Officer Pooler approached Villafuerte, he chambered a round in the beanbag shotgun, raised it to his right shoulder, pointed it in the direction of Villafuerte and released the safety. Officer Pooler announced, "If you don't let her go, this is going to hurt."<sup>13</sup>

Villafuerte tightened his grip around [REDACTED] neck causing the right side of his body to be exposed. Officer Pooler fired one round from the beanbag shotgun from a distance of approximately 10 feet, striking Villafuerte in the right abdomen area. Villafuerte continued choking [REDACTED] and Officer Pooler fired a second round striking Villafuerte in the upper right arm. [REDACTED] was able to break free from his grip and ran south. Villafuerte began advancing toward the officers and Officer Pooler fired a third round striking him in the right leg.

**Approximate Positional Diagram at the time beanbag rounds are fired.**



<sup>13</sup> Officer Pooler, Page 13, Lines 13-14.

After the second shot, Officer Lamoureux holstered his weapon. After the third shot, Officer Lamoureux rushed toward Villafuerte and grabbed him around the upper torso in a bear hug and pushed him up against the block wall before they both fell to the ground. Officer Lamoureux stated, "And that's when I just -- I saw my opportunity. Suspect was distracted. His hands were visible. I didn't see any weapons. I just ran up to him. Grabbed him. I basically bear hugged him from the side."<sup>14</sup>

**OIG Note No. 3:** *Villafuerte was not wearing a shirt during this incident.*

**Note:** Officer Lamoureux did not advise the other officers at scene that he was going to approach the suspect.

Officers Hansen and Ahedo, upon seeing Officer Lamoureux grab the suspect, immediately holstered their weapons and advanced to assist him. Officer Hansen applied bodyweight on Villafuerte's shoulder area. Officer Ahedo advised officers that he would handcuff the suspect.

Officer Montoya had heard the first beanbag round go off and turned to see Officer Pooler fire the next two rounds at Villafuerte. She ran toward the officers' location. Upon seeing officers engaged in the handcuffing, she took hold of Villafuerte's right leg to prevent him from kicking the officers.

North Hollywood Patrol Division uniformed Police Officers II William Jones, Serial No. 40366,<sup>15</sup> and Jeremy Radke, Serial No. 39235, Unit 15A33, arrived at the location. Officer Jones exited his vehicle and began approaching the carport area when he heard one shot. As he turned the corner he saw several officers controlling Villafuerte while applying handcuffs. Officer Jones grabbed each of Villafuerte's ankles to prevent him from kicking an officer.

Officer Ahedo completed the handcuffing of Villafuerte. Officer Ahedo searched Villafuerte for weapons and none were discovered. The officers rolled Villafuerte over to a seated position with his back resting against the wall. The officers observed several injuries on Villafuerte indicative of being struck with a beanbag round.

**Note:** Officer Pooler believed he requested a Rescue Ambulance (RA) for Villafuerte at this time. There is no indication of that in the CD tape.

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<sup>14</sup> Officer Lamoureux, Page 16, Lines 14-17.

<sup>15</sup> Officer Jones was wearing his ballistic vest and had his Department-approved handgun, spare magazines, handcuffs and canister of OC attached to his Sam Browne equipment belt. He also had an ASP baton on his equipment belt and a HRD in his sap pocket.

At 16:35:20 hours, North Hollywood Patrol Division uniformed Police Officer II Pedro Ramirez, Serial No. 39325, Unit 15EL4, arrived and observed that Villafuerte was in custody. He heard officers say there was a Code Four and he broadcast that information.

North Hollywood Patrol Division uniformed Police Officer II Matthew Barrick, Serial No. 34383, and Police Officer I Gilbert DeRobles, Serial No. 41835, Unit 15A43, arrived at the location and observed [REDACTED] running away from where Villafuerte was being taken into custody. Officer Barrick stopped [REDACTED] and asked her if she was okay. [REDACTED] replied, "He tried to kill me."<sup>16</sup> At 16:35:40 hours, Officer Barrick requested a RA for [REDACTED]

At 16:37:00 hours, Officer Jones, believing only one RA had been requested for [REDACTED] advised CD that a second RA was needed for Villafuerte.

**Note:** Officer Jones had a personal Body Worn Video recorder with him and conducted a videotaped interview of [REDACTED] at scene.<sup>17</sup> Officer Jones stated, "I hadn't taped the initial incident, but it would probably be good to get her -- get her statements right then when it's fresh in her mind on video."<sup>18</sup>

During [REDACTED] interview, it was determined that Villafuerte had been armed with a knife, prior to police response, during his initial attack on [REDACTED]. Officers Jones and DeRobles responded to the area where [REDACTED] believed Villafuerte had discarded the knife and searched for it with negative results.

**OIG Note No. 4:** Witness [REDACTED] had heard [REDACTED] saying, "Get rid of the knife." [REDACTED] then observed a knife sticking out of Villafuerte's pocket, and they both told him to get rid of the knife. According to [REDACTED] "And he took it, and he threw it up in the tree. Was that big tree over there. And he threw it, and all these little pieces of branches came down all over the place."<sup>19</sup>

North Hollywood Area Special Problems Unit (SPU) Detective II Dan Fournier, Serial No. 33387, arrived at scene and was briefed by Officer Hansen. He was then able to determine the five officers who were involved in the use of force. He interviewed the officers individually. Detective Fournier then utilized additional supervisors at scene to assist him canvassing for witnesses and photographing the scene. Based on the officers' statements, evidence at scene and the injuries visible on the suspect, Detective

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<sup>16</sup> Officer Barrick, Page 6, Lines 8-9.

<sup>17</sup> Officer Jones' camera was not activated during the Use of Force.

<sup>18</sup> Officer Jones, Page 9, Lines 1-4.

<sup>19</sup> [REDACTED] Page 7, Lines 7-25.

Fournier determined he had a Level II Non-Categorical Use of Force (NCUOF) investigation and proceeded as such.

North Hollywood Area Gang Enforcement Detail uniformed Sergeant I Timothy Kirkpatrick, Serial No. 32185, and Detective Fournier, responded to Saint Joseph's Hospital and attempted to interview Villafuerte. Villafuerte refused to sign a medical release form and after being advised of his Miranda Rights, stated he would not talk until he checked with his probation officer. Villafuerte provided contact information for the probation officer and Detective Fournier attempted to contact him with negative results.

**Note:** Detective Fournier has dual status holding the ranks of Detective and Sergeant. Due to the Day Watch sergeant being unavailable, Detective Fournier was assigned this NCUOF.

North Hollywood Detective Division Detective II Jennifer Hammer, Serial No. 31730, arranged to have Technical Investigation Division (TID), Photographic Unit, respond to Saint Joseph's Hospital to photograph Villafuerte and [REDACTED] injuries. Technical Investigation Division Photographer III Jeffrey Seaman, Serial No. N3128, responded and photographed the injuries.

Detective Fournier returned to North Hollywood Station and verified that Officers Hansen and Lamoureux were completing the arrest report for the incident. In order to most accurately reflect the NCUOF, he had Officer Pooler complete a statement form to be incorporated in the report, outlining the force he used (Addendum No. 2).

North Hollywood Area SPU uniformed Police Officers II Kris Clark, Serial No. 39587, and Chad Zipperman, Serial No. 39627, had been assigned to escort Villafuerte when he was transported to Saint Joseph's Hospital. At approximately 2115 hours, nearly five hours after the incident began, they were advised by medical staff that Villafuerte [REDACTED]. The officers were further advised that Villafuerte would be transferred to Holy Cross Hospital and [REDACTED]. Officer Clark contacted Detective Fournier and informed him of Villafuerte's updated status.

Detective Fournier relayed the information to the North Hollywood Patrol Division Watch Commander Lieutenant I Jerry Chaney, Serial No. 34055. Lieutenant Chaney and Detective Fournier located, separated and monitored Officers Hansen, Lamoureux and Montoya who were still at the station. The appropriate notifications were then made advising that the incident had become a Categorical Use of Force (CUOF).

**Note:** Officers Ahedo, Jones and Pooler were already end of watch and had left North Hollywood Station prior to when the incident became a CUOF. Due to the lateness of the hour, these officers were not contacted at home to admonish them not to discuss the incident.

At approximately 2300 hours, Force Investigation Division investigators arrived at North Hollywood Station and assumed investigative responsibility for the CUOF.

Force Investigation Division Detective II Donald Walthers, Serial No. 27463, reviewed all documents and circumstances surrounding the separation, monitoring and admonition not to discuss the incident with other officers prior to being interviewed by FID investigators. All protocols were followed and properly documented (Addendum No. 3).

### **Scene Description**

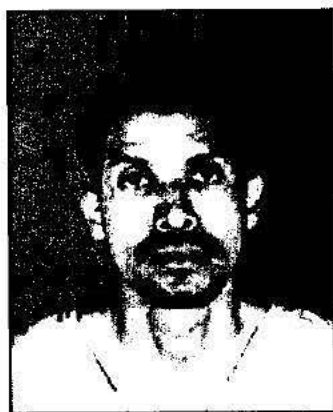
The LERI occurred in the carport area of [REDACTED] Lemay Street, North Hollywood. The location is adjacent to [REDACTED] Lemay Street. Lemay Street was an east/west street with one motor vehicle lane in each direction. The location was bordered by [REDACTED]. The location was a [REDACTED]. There was an attached [REDACTED] on the [REDACTED] side of the residence. The surrounding neighborhood consisted of single-family residences. The incident occurred during daylight hours on a clear day, with the ambient temperature of approximately 80 degrees Fahrenheit.

### **Canvass for Witnesses**

On June 18, 2015, North Hollywood Area personnel conducted a canvass of the immediate area for witnesses to the incident.

Additional canvasses were conducted by FID personnel on June 30, 2015 and July 29, 2015. Unless otherwise noted, the statements of all witnesses were recorded and transcribed, and are contained in this report.

### **Suspect Information**



**Norberto Villafuerte**, was a male Hispanic with black hair and brown eyes. At the time of the incident he was 5 feet 9 inches tall, weighed approximately 160 pounds, and had a date of birth of December 13, 1986. Villafuerte was identified by CII No. [REDACTED] (Addendum No. 4).

A check of Villafuerte's criminal history determined that he had several prior arrests that were rejected due to insufficient evidence. Villafuerte was arrested in 2007 by Customs and Border Patrol for Alien Smuggling. [REDACTED]

Investigators contacted Villafuerte's Federal Probation Officer, Oscar Guevara. Guevara advised that Villafuerte had been previously arrested for a drug charge in Mexico and had been serving a sentence in a Mexican Jail. Being a citizen of the United States, he petitioned the United States Government and was eventually part of a

prisoner exchange between the two countries. Upon return to the United States, he was placed on Federal Probation. Guevara advised that on June 18, 2015, prior to his knowledge of this incident, he had submitted a request for warrant against Villafuerte for violating the terms and conditions of his probation.

Villafuerte was not currently documented in Department databases as a gang member [REDACTED].

On June 22, 2015, North Hollywood Detective Division Detective I Loretta Smith, Serial No. 27542, presented a criminal complaint to Los Angeles County Deputy District Attorney, Lou Holtz Jr., who filed three counts of 273.5 (a) Penal Code, Corporal Injury to a Dating Partner, one count of 459 PC, Residential Burglary and four counts of 422 PC, Criminal Threats against Villafuerte. The charges were later amended to include one count of 210.5 PC, False Imprisonment for Protection/Shield (Addendum No. 5).

On July 22, 2015, Villafuerte pled guilty to one count of 422 PC, Criminal Threats and one count of 210.5 PC, False Imprisonment for Protection/Shield. Villafuerte was sentenced to eight years and eight months in State Prison.

## **Injuries**

At approximately 16:35 hours, Officer Barrick requested an RA unit for [REDACTED] Los Angeles Fire Department, Rescue Ambulance No. 889, Firefighter/Paramedics Aaron Halverson and Richard Murillo arrived at scene and [REDACTED] to [REDACTED]. [REDACTED] was transported to Saint Joseph's Hospital where she [REDACTED] from Medical Doctor Chanida Sintu. [REDACTED] was [REDACTED]. [REDACTED] was [REDACTED].

At approximately 16:37 hours, Officer Jones requested an RA unit for Villafuerte. Los Angeles Fire Department RA No. 89, Firefighter/Paramedics Dominic Marquis and Jeffrey Halloren arrived at scene and [REDACTED] to Villafuerte. Villafuerte was transported to Saint Joseph's Hospital where he [REDACTED] from Medical Doctor Manon Kwon. Villafuerte was [REDACTED]. It was determined that Villafuerte [REDACTED]. He was [REDACTED]. Villafuerte was subsequently transferred to Holy Cross Hospital.

## **Evidence**

Officers Hansen and Lamoureux recovered a pair of reading glasses, Item 1, with a blood stain, belonging to Villafuerte. They were recovered in the area of the initial altercation between Villafuerte and [REDACTED]. They also recovered the white dress, Item 2, that [REDACTED] had been wearing, from Saint Joseph's Hospital.

Detective Walthers recovered a beanbag supersock, Item 3, from Detective Fournier. The other beanbag socks and shells had been discarded prior to FID assuming investigative responsibility for the case. Expended beanbag socks and shells are not retained for NCUOF investigations.

Detective Walthers recovered a Secure Digital Card, Item 4, from [REDACTED], the resident of [REDACTED] which is [REDACTED] from where the use of force occurred. The card contained video footage. The video footage was transferred to compact discs, which are stored under Control Nos. 670917 and 670918 (Addendum No. 6).

## **Visual Documentation**

### Photographs

Photographs of the Use of Force scene and associated evidence are stored under Control No. D0112702.

Three photographs were obtained from [REDACTED] the resident of [REDACTED]. Those photographs were scanned onto a disc and are stored under Control No. D0526975. The photos were taken after the NCUOF occurred.

Photographs of Villafuerte and [REDACTED] injuries, taken at Saint Joseph's Hospital are stored under Control Nos. D0397541 and D0397542.

### Outside Video

Digital video was obtained from [REDACTED] from cameras [REDACTED] at [REDACTED]. The video captured the original incident between Villafuerte and [REDACTED]. The video is stored under Control No. 670919.

Digital video was obtained from [REDACTED] from a security camera located at [REDACTED]. Upon review, it was discovered that the video recorder had not been routinely erased and the system does not record over previous video. Therefore, the content was not current and did not capture this incident. The Secure Digital Card that contained the video was booked into evidence, Item 4. The video was converted for viewing and transferred to CD. The converted video is stored under Control Nos. 670917 and 670918.

### Body Worn Video (BWV)

Officer Jones conducted an interview of [REDACTED] at scene which he captured on his personal Body Worn Video. The video was not activated during the Use of Force. The video is stored under Control No. 628967.

**Note:** North Hollywood Area had not issued Department Body Worn Video cameras at the time of this incident. Officers were allowed to use personal recording devices to document an incident during a criminal investigation. Officer Jones has a 12.45.00 form, Request to Use a Personal Recorder, on file in his personnel package. His request was approved March 29, 2010 (Addendum No. 7 and 8).

#### Digital In-Car Video System (DICVS)

North Hollywood vehicles were not equipped with the Digital In-Car Video System at the time of this incident.

#### **Social Media**

Social media outlets were checked with negative results.

#### **Notifications**

On June 18, 2015, at 2150 hours, FID Lieutenant II Brian Gilman, Serial No. 26298, was notified that Villafuerte had been [REDACTED] from a Use of Force that was originally being investigated as a NCUOF. Lieutenant Gilman advised the case would be upgraded to a CUOF and that FID would assume investigative responsibility. At 2155 hours, Real-Time Analysis and Critical response (RACR) Division was notified of the CUOF and the details of subsequent notifications are attached (Addendum No. 9).

#### **Personnel at Scene**

Force Investigation Division Lieutenant II Brian Gilman arrived at North Hollywood Station at approximately 2300 hours. The Use of Force scene had already been cleared prior to FID assuming investigative responsibility for the case and therefore, there is no Crime Scene Log.

#### **Communications**

A copy of the Communications Division printouts relative to this incident, Incident No. 150618003275, is on file at FID. A digital recording of North Hollywood Base Frequency and all 911 calls at the time of this incident are stored at FID. The digitally recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database.

#### **Justice System Integrity Division**

This case did not meet the criteria for presentation to the Justice System Integrity Division.

## Investigators' Notes

1. [REDACTED] stated that Officer Hansen was holding his TASER. Officer Hansen was holding his pistol and had a TASER holstered on his left leg.
2. Officers Pooler and Montoya did not go Code Six until after the suspect was in custody. According to Officer Montoya, she stated that she did not have time to go Code Six due to the rapidly unfolding tactical situation.
3. Officer Hansen stated that [REDACTED] is Villafuerte's [REDACTED] [REDACTED] is Villafuerte's [REDACTED].
4. Officer Pooler stated that the Air Unit was overhead during the incident. There was a Code Four broadcast for the incident at 16:36:00 hours. While Officer Jones is conducting his video recorded interview of [REDACTED] the Air Unit can be heard arriving in the area at approximately 16:44:57. The Air Unit flies over the area and leaves.
5. During her interview, [REDACTED] advised there was a resident on Lemay Street that may have witnessed the incident. The investigation determined that the resident was [REDACTED]. She was interviewed by North Hollywood Patrol Division uniformed Police Officer II Pedro Ramirez, Serial No. 39569, on the night of the incident. She told Officer Ramirez she observed Villafuerte pushing [REDACTED] but did not see Villafuerte being taken into custody. That interview was not tape recorded. The summary of the interview was incorporated in the arrest report.
6. North Hollywood Patrol Division Commanding Officer Captain I Brian Whitten, Serial No. 33092, was advised of the use of profanity by Officer Hansen during the tactical situation. Captain Whitten advised he would address it as a training issue.
7. Captain Whitten was advised that Officers Pooler, Hansen, Lamoureux and Montoya were not equipped with their Hobble Restraint Devices at the time of the incident. Captain Whitten advised he would address it as a training issue.
8. On June 25, 2015, North Hollywood Area Commanding Officer Captain Stephen Carmona, Serial No. 23605, submitted a Commanding Officer's Assessment of the Supervisors' Response to this incident. It mistakenly identified Commander Robert Lopez, Serial No. 22131, as a captain. It also referenced a public safety statement taken by Sergeant Kirkpatrick. No public safety statement was taken due to the incident originally being a Non-Categorical Use of Force. These issues were corrected and Captain Carmona submitted a revised assessment on November 24, 2015 (Addendum No. 10).

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## CHIEF OF POLICE REPORT<sup>20</sup>

### Chief of Police Analysis

#### **Tactics**

- In his analysis of this incident, the Chief of Police identified the following tactical considerations:

#### **Debriefing Point No. 1 - Tactical Planning**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Officer Lamoureux did not communicate his intentions of contacting Villafuerte to the other officers.

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers when faced with an ongoing tactical situation must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer Lamoureux observed *an opportunity* to grab Villafuerte and take him down to the ground, but did not communicate his intentions to the other officers. The other officers observed Officer Lamoureux take the suspect down to the ground and assisted him with controlling the suspect. The suspect was then handcuffed and taken into custody without further incident.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that in this instance, the officer's actions were reasonable and not a substantial deviation from approved Department tactical training. In an effort to enhance future tactical performance, the Chief will direct that this be a topic of discussion during the Tactical debrief.

#### **Additional Tactical Debrief Topics**

- **Pedestrian Contacts** – According to Officer Hansen, he contacted Villafuerte while standing outside the police vehicle utilizing the driver's door as cover. According to Officer Lamoureux, they were still seated inside their police vehicle when they made

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<sup>20</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

initial contact with Villafuerte. Officers Hansen and Lamoureux are reminded when conducting pedestrian stops they should approach every contact with officer safety in mind. The Chief will direct that this be topic of discussion during the Tactical Debrief.

- **Force Options** – Officers requested a Back Up and advised responding units they had a *subject at gunpoint*. However, a request for a beanbag shotgun was not made. Officers are reminded of the importance of requesting additional force options so they are available in order to ensure the best outcome with minimal amount of force necessary to effect the arrest. In an effort to improve future performance, the Chief will direct this topic to be discussed during the Tactical Debrief.
- **Firearm Safety Rules** – According to Officer Lamoureux, there were several times while Villafuerte was choking [REDACTED] where he had the sights of his service pistol aligned on target and his finger on the trigger based on his belief that the hostage situation was on the cusp of becoming a Lethal Force Situation. Although, his actions were deemed appropriate, Officer Lamoureux is reminded of the Firearm Basic Safety Rules to keep his finger off the trigger, until he intends to shoot. In an effort to improve future performance, the Chief will direct this topic to be discussed during the Tactical Debrief.
- **Equipment (TASER)** – Officer Montoya placed and left the TASER inside their vehicle's glove box during the incident. Officer Montoya is reminded that as of September 21, 2015, Operations Order No. 4, requires that field deployed officers who are trained, carry a TASER on their person utilizing a Department approved holster unless either is unavailable. The Chief will direct this be a topic of discussion during the Tactical Debrief.
- **Simultaneous Commands (Non-Conflicting)** – The investigation revealed Officers Hansen and Lamoureux were giving simultaneous commands to Villafuerte during this incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. In an effort to enhance future performance, the Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Utilization of Cover** – When Officer Pooler engaged Villafuerte and fired the beanbag shotgun, he was not behind cover. Officer Pooler is reminded of the importance of utilizing cover when involved in a tactical situation. In an effort to improve future performance, the Chief will direct this topic to be discussed during the Tactical Debrief.
- **Beanbag Announcement** – Although Officer Pooler gave a verbal Use of Force Warning to Villafuerte prior to discharging the beanbag shotgun, he did not give a beanbag announcement, to alert the other officers of his intentions to fire the weapon. Officer Pooler is reminded to verbalize *beanbag ready*, *beanbag standby* to alert officers at the scene that the firing of the beanbag is imminent. In an effort to

improve future performance, the Chief will direct this topic to be discussed during the Tactical Debrief.

### **Chief of Police Findings**

The Chief recommended the following findings in this case:

- **Tactics** – Tactical Debrief, Officers Hansen, Lamoureux, Ahedo, Pooler, Montoya and Jones.
- **Drawing/Exhibiting** – In Policy, No Further Action, Officers Hansen, Lamoureux and Ahedo.
- **Non-Lethal Use of Force** – In Policy, No Further Action, Officers Hansen, Lamoureux, Montoya, and Jones.
- **Less-Lethal Use of Force** – In Policy, No Further Action, Officer Pooler.

### **Positive Aspects**

- Officers Hansen and Lamoureux previously discussed tactics.
- Officer Lamoureux updated their location when they observed the suspect.
- The officers requested Back Up and then upgraded the request to a Help Call.
- Officer Ahedo communicated to officers a beanbag shotgun was going to be fired.
- Officer Pooler issued a Use of Force Warning to Villafuerte, prior to the beanbag shotgun being fired.
- An RA was requested for Villafuerte after the beanbag shotgun was deployed. A second RA was also requested for [REDACTED]

### **Tactics**

- *Department policy relative to Tactical Debriefs 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." (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.

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

Therefore, the Chief will direct that Officers Hansen, Lamoureux, Ahedo, Pooler, Montoya and Jones attend a Tactical Debrief and that the specific identified topics are also covered.

**Note:** The Tactical Debrief shall include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code-6);
- Tactical Planning;
- Command and Control; and,
- Lethal Force.

### **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. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. " (Los Angeles Police Department Manual, Volume 1, Section 556.80)*

Officers Hansen and Lamoureux observed Villafuerte with his left arm around the victim's neck and reaching toward his waistband with his right hand as if he had a *gun or weapon*. Believing that the situation could escalate to the point where deadly force would be justified, both officers drew their service pistols.

Officer Hansen recalled, *"It was a tactical situation. I had reason to believe the situation could escalate to where deadly force may be justified."*<sup>21</sup>

Officer Lamoureux recalled, *"We felt the situation -- I can only speak for myself. I felt the situation could escalate to the point where deadly force was justified."*<sup>22</sup>

Officer Ahedo responded and observed the suspect sitting down holding the victim with his left hand, choking her. Officer Ahedo drew his service pistol with the belief that the situation could escalate to the use of deadly force.

Officer Ahedo recalled, *"Couldn't tell if he had a weapon or not. So at that point it could have easily escalated. That's when I drew my weapon."*<sup>23</sup>

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<sup>21</sup> Officer Hansen, Page 37, Lines 17-19.

<sup>22</sup> Officer Lamoureux, Page 9, Lines 10-13.

<sup>23</sup> Officer Ahedo, Page 6, Lines 24-25, Page 7, Line 1.

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

Therefore, the Chief found Officers Hansen, Lamoureux and Ahedo's Drawing/Exhibiting to be In Policy, No Further Action.

**Note:** In addition to the above listed employees, there were additional personnel that responded who also drew or exhibited firearms. Their drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

### **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 Use of Force – Tactics Directive, Use of Force Policy – Revised, July 2009).*

**Officer Hansen:** Bodyweight

**Officer Lamoureux:** Takedown

**Officer Montoya:** Physical Force

**Officer Jones:** Physical Force

After Officer Pooler fired the third beanbag round at Villafuerte, Officer Lamoureux approached Villafuerte. Officer Lamoureux wrapped his arms around Villafuerte's upper torso in a *bear hug*, pushed him against a block wall and took Villafuerte to the ground with his arms wrapped around Villafuerte's arms.

Officer Lamoureux recalled, *"And that's when I just -- I saw my opportunity. Suspect was distracted. His hands were visible. I didn't see any weapons. I just ran up to him. Grabbed him. I basically bear hugged him from the side."*<sup>24</sup>

Officer Hansen placed his left knee on Villafuerte's left shoulder and utilized his bodyweight to control Villafuerte's movements. Officer Montoya observed the other officers attempting to handcuff Villafuerte and wrapped her arms around Villafuerte's right leg while Officer Jones grabbed Villafuerte's ankles with both of his hands in order to prevent him from kicking the officers. Officer Ahedo then moved in and completed the handcuffing of Villafuerte without further incident.

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<sup>24</sup> Officer Lamoureux, Page 16, Lines 14-17.

After a thorough review of the incident and involved officers' statements, the Chief assessed each application of force by each involved officer. The Chief determined that an officer with similar training and experience as Officers Hansen, Lamoureux, Montoya and Jones, would believe the application of Non-Lethal Use of Force would be reasonable to overcome Villafuerte's resistance and take him into custody.

In conclusion, the Chief found Officers Hansen, Lamoureux, Montoya and Jones' 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 Use of Force – Tactics Directive, Use of Force Policy – Revised, July 2009)*
- *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. (Use of Force-Tactics Directive, Beanbag Shotgun, March 2013)*

**Officer Pooler** – three beanbag shotgun sock rounds, in a northerly direction from a distance of approximately 10 feet.

According to Officer Pooler, Villafuerte tightened his grip around [REDACTED] neck and then applied *pressure*, causing [REDACTED] to rise up and make her eyes *bulge*. Fearing for the safety of [REDACTED] Officer Pooler fired one sock round from his beanbag shotgun at Villafuerte to stop his actions.

Officer Pooler recalled, *"He applied pressure. She seemed to rise as he applied. Her eyes seemed to bulge. When I was there, I saw his right hand in front of his waistband. It was partially covered by the victim's body. I aimed at the suspect's right rib cage. When I saw he wasn't going to release the girl, the three officers -- I don't know which one was telling release the girl release the girl. Don't move. Don't move your hands. Those orders were ignored. I took a shot at the -- from*

*approximately 10 feet away I shot at the suspect's rib cage.*<sup>25</sup>

Officer Pooler assessed and noted that the sock round did not appear to have any effect and Villafuerte was continuing to choke [REDACTED]. Fearing for the safety of [REDACTED], Officer Pooler fired another sock round from his beanbag shotgun at Villafuerte to stop his actions.

Officer Pooler continued, *"It didn't have any effect. He seemed to tighten his grip across the victim's neck even harder. I took one more shot and when I did that, he turned to his right and I believe -- I was aiming for his rib cage and he had -- I believe I struck his upper right arm."*<sup>26</sup>

After the second sock round, Villafuerte loosened his grip and [REDACTED] was able to break free and run toward Lemay Street. Villafuerte then stepped toward Officer Pooler at which time Officer Pooler fired a third sock round at Villafuerte to stop his actions.

Officer Pooler recalled, *"I -- after round two, I put it down towards my waist. He took a giant step with his right leg so I shot from my waist. I was aiming at the torso."*<sup>27</sup>

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer under the similar circumstances. The UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Pooler would reasonably believe the application of Less-Lethal force to stop Villafuerte's actions was reasonable and would have acted in a similar manner.

Therefore, the Chief found Officer Pooler's Less-Lethal Use of Force objectively reasonable and In Policy, No Further Action.

## **Command and Control**

- Command and Control was not a factor during this incident.

## **Audio/Video Recordings**

- At the time of the incident, North Hollywood Division patrol vehicles were not equipped with the Digital in Car Video System (DICVS) or Body Worn Video (BWV) cameras.

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<sup>25</sup> Officer Pooler, Page 26, Lines 8-14 and Page 8, Lines 5-13.

<sup>26</sup> Officer Pooler, Page 8, Lines 13-17.

<sup>27</sup> Officer Pooler, Page 22, Lines 20-22.

However, Officer Jones was equipped with his own personal BWV that he used to capture an interview with [REDACTED] after the UOF, but was not activated during the UOF.

#### **General Training Update (GTU)**

- On June 25, 2015, Officer Pooler attended a GTU. All mandatory topics were covered.

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to the quality of the investigation.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.
- The Chief identified Officers Hansen and Lamoureux as officers who issued simultaneous non-conflicting commands. The OIG noted that Officer Ahedo also issued verbal commands together with the officers above. The OIG recommends that this be addressed with Officer Ahedo during the Tactical Debrief.

#### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

#### **Non-Lethal Use of Force**

- The OIG concurs with the Chief's findings.

#### **Less-Lethal Use of Force**

- The OIG concurs with the Chief's findings.



ALEXANDER A. BUSTAMANTE  
Inspector General