

twisted and rolled onto his right side. Roots continued to resist being handcuffed. According to Officer Klee, due to people gathering, Officer Klee utilized his hand-held police radio and requested a back-up.

According to Officer Koike, Roots began grabbing the handcuffs being applied to his wrists and attempted to roll to his side. Officer Koike believed Roots was trying to throw him off balance to gain control of the handcuffs. Officer Koike, with a left clenched fist, struck Roots with a single punch to the left ribcage area. After being struck, Roots stopped resisting and laid face down on his stomach. Officer Koike was then able to handcuff Roots' wrists together behind his back. Officer Klee did not observe the punch and stated that his attention was focused on the pedestrians in the area.

At approximately 1408 hours, Officers Koike and Klee took Roots into custody and broadcast a Code Four. A rescue ambulance (RA) was immediately requested due to Roots' continued complaints of difficulty breathing. At approximately 1415 hours, Los Angeles Fire Department, RA 14, arrived at scene and treated Roots for asthma and difficulty breathing. Shortly afterward, Detectives G. Beshai Serial No. 36300, Newton Area, NED, and Hershey arrived and were advised by Officer Klee that their actions did not rise to a reportable UOF. While Officer Klee was speaking with the supervisors, Officer Koike was occupied monitoring Roots in the RA and assumed that Officer Klee notified the supervisors of the punch and that a UOF had occurred. At approximately 1439 hours, Roots was transported to [REDACTED] for further medical treatment.

While at the hospital, Roots spoke with a nurse regarding his injuries, including that he had been punched by Officer Koike. Upon hearing this, Officer Klee confirmed with Officer Koike that had occurred and immediately called and notified Detective Beshai of the UOF. Detective Beshai responded to the hospital and initiated a UOF investigation.

At approximately 1830 hours, Detective Beshai learned that Roots was going to be medically treated for a collapsed lung and a rib fracture. Further testing later determined that Roots did not have a fractured rib. At approximately 2015 hours, Roots was admitted to the hospital.

FINDINGS

Tactics – Administrative Disapproval, Officers Klee and Koike.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Klee and Koike.

ANALYSIS²

Detention

Officers Klee and Koike recognized Roots from a previous encounter and arrest. They had knowledge that a felony narcotics warrant was issued for his arrest. Officer Klee telephonically notified their supervisor, Detective Hershey, who utilized department resources and confirmed that Roots had an active felony warrant for his arrest. Based on the totality of the circumstances, the officers had reasonable suspicion to detain Roots.

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 be improved. The intent of a Tactical Debrief is to enhance future performance by reviewing and analyzing Department-wide training, practices, policies and procedures.”

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 192.05).

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-Escalation³

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.

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.

² The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

³ Los Angeles Police Department, Use of Force Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016.

Tactical De-Escalation Techniques: Planning; Assessment; Time; Redeployment and/or Containment; Other Resources; and Lines of Communication.

Planning and Assessment – Officers Klee and Koike had worked as partners several times over the span of six months. According to Officer Koike, they formulated a plan where he would be cover and Officer Klee would be contact. They discussed a plan that included waiting for Roots to separate himself from a group of people near his tent before contacting him. Officers Klee and Koike donned their tactical vests prior to exiting the police vehicle and discussed that if Roots sought shelter in his tent, they would not follow him and instead request additional resources. Due to their familiarity with Roots, they did not request additional resources prior to making contact as Roots had been taken into custody without issue in the past.

Time and Redeployment/Containment – When Officers Koike and Klee contacted Roots, he was instructed to stop walking away and called out by name. Officer Klee verbalized to Roots that he had a warrant in an effort to de-escalate the situation and gain his cooperation. Officer Koike adjusted his position to take control of Roots' right arm and Officer Klee adjusted his position to take control of Roots' left arm.

Other Resources – Detective Hershey was telephonically contacted prior to Officers Klee and Koike making contact with Roots to confirm the validity of Roots' arrest warrant. During the UOF, Officer Klee requested a back-up as a crowd of people started to gather. An RA was requested to treat Roots for his difficulty breathing.

Lines of Communication – Upon making contact with Roots, Officer Klee verbalized with Roots that he was being detained for his arrest warrant. Officer Koike also verbalized and ordered Roots to stop grabbing the handcuffs and his hands.

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

Debriefing Point No. 1 Undercover Operations/Surveillance Techniques

When involved in any tactical operation where an arrest or multiple arrests are anticipated or likely, personnel assigned as UC operators, UC support and surveillance should avoid suspect contact and allow a uniformed arrest or chase team to pursue, contain, detain, and/or arrest the suspect when possible. In circumstances when a uniformed arrest or chase team is not available or practical, UC support or surveillance personnel may be used with the approval of the supervisor in charge of the operation (Los Angeles Police Department Use of Force- Tactics Directive, No. 10.3, March 2019).

Upon seeing Roots standing outside his tent, Officers Klee and Koike discussed the possibility of requesting a uniformed patrol unit to take Roots into custody. Due to their previous contacts with Roots where he was cooperative and non-combative, Officers Klee and Koike decided to detain Roots without utilizing additional resources and developed a plan to request resources if Roots retreated into his tent.

Officer Klee recalled,

So my partner and I had discussed what we were going to do as far as like do we want to get a black and white, talked about – that I was going to be – if we could not get a black and white I was going to be the contact officer because he was on my side of the car, my partner was going to be cover. Because it appeared he was just on foot and so we kind of ruled out trying to get a black and white because I’ve – I’ve personally dealt with Mr. Roots, I think three prior times and he was never, in any of those instances, was never combative or – what’s the word I’m looking for? He went – he went along with being detained the two prior times and then obviously the third time he was arrested so I didn’t feel the need to in – order to call the black and white...⁴

The UOFRB assessed Officers Klee and Koike’s adherence to the Undercover and Surveillance Operations directive. The UOFRB was not unanimous in their findings. The Majority noted that although they were briefly engaged in surveillance when monitoring Roots from afar, it did not amount to a surveillance operation. The officers were still operating in a plainclothes capacity, a non-uniform assignment where their role and identity as a sworn officer was not intended to be confidential.⁵ The Majority noted that the surveillance was brief and for the purposes of confirming Roots’ identity and waiting for the opportune time to approach. There was a discussion regarding the necessity of a written tactical operation plan. The Board noted the arrest of Roots was not pre-planned, but spontaneous, therefore omitting the need for the tactical operation plan. The Board discussed the officers’ decision not to request additional resources and, although the Board would have preferred they had done so to give them a tactical advantage, it was not a requirement. The Board acknowledged the officers did discuss a plan to request additional resources should Roots flee into a tent and did request a back-up when a group of bystanders began advancing towards them. Also discussed by the Board was the officers’ use of their tactical vests. It was noted the officers’ donned their tactical vests prior to exiting their police vehicle and initiating contact with Roots, which the Board concluded was not a substantial deviation from training.

The Minority disagreed with the Majority. The Minority noted that Officers Klee and Koike were operating in an undercover capacity while engaged in a mobile surveillance operation because of their monitoring of Roots. The Minority opined the officers were assigned to a non-uniformed operation to proactively seek to establish a relationship or make contact with a subject or group to gather evidence or intelligence while concealing their identity as police officers to accomplish the mission.⁶ As such, absent an articulation of exigent circumstances, the officers should have avoided contact with Roots and requested additional uniformed resources to effect the arrest. Department directives and training require surveillance operations to be documented on a written operation plan and approved by the Commanding Officer of the responsible division. The written operation plan would have included the nature of the investigation, the crime the suspect was wanted for and provided for additional resources, including the assignment of a uniformed arrest team. In cases that are time sensitive or to address a crime needing immediate attention, a verbal operation plan may be communicated to all involved assets to

⁴ Officer Klee’s transcript, Pages 9 and 10, Lines 22-11.

⁵ Los Angeles Police Department, Use of Force Tactics-Directive, Directive No. 10.3, March 2019

⁶ Los Angeles Police Department, Use of Force Tactics-Directive, Directive No. 10.3, March 2019

expedite their response. Officers Koike and Klee failed to conform to this standard by neither completing a written or verbal operation plan nor obtaining approval. In this case, where an arrest was anticipated, Department standards required that Officers Klee and Koike avoid contact with Roots unless circumstances existed where a uniformed arrest team was not available or not practical. Had this situation arose, the officers could have contacted Roots but only with the approval of the supervisor in charge of the operation. In this case, there was no justification offered for the substantial deviation from these standard tactics and training. The Minority emphasized that Roots was in a heavily populated area with other individuals and Officers Klee and Koike were at a significant tactical disadvantage by initiating contact without utilizing additional resources.

Based on the totality of the circumstances, the UOFRB Minority determined, and I concur, that the tactics employed by Officers Klee and Koike were a substantial deviation from Department approved tactical training.

ADDITIONAL TACTICAL DEBRIEF TOPICS

Protocols Subsequent to a Non-Categorical Use of Force – Officer Koike stated that he did not notify any supervisor at scene that a UOF had occurred. He stated he was preoccupied with monitoring Roots as paramedics provided medical treatment and believed his partner would disclose the UOF that had occurred while taking Roots into custody. Officer Klee did not observe Officer Koike's punch and, as a result, no supervisor was notified that a UOF had occurred until several hours later. Alternatively, Officer Koike should have notified his supervisor directly upon their arrival. To enhance future performance, I will direct this to 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.*⁷

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance*⁸.

At approximately 1800 hours, Detective Beshai was advised telephonically that a UOF incident had occurred and responded to [REDACTED]. Upon arriving and learning that Roots would be admitted to the hospital due to a collapsed lung possibly suffered during the UOF, he notified Sergeant J. Munguia, Serial No. 27525, Watch Commander, Newton Patrol Division. Detective Beshai held the scene where the UOF occurred and Sergeant R. Koval, Serial No. 32560, Newton Patrol Division, was tasked with monitoring Officers Klee and Koike. At approximately 1915 hours, the Department Operations Center (DOC) was notified. At approximately 2209 hours, Lieutenant D. Smith, Serial No. 30970, FID, declared the UOF a LERI.

The UOFRB determined, and I concur, the overall actions of Detective Beshai and Sergeants Munguia and Koval were consistent with Department training and my expectations of supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB Minority determined, and I concur, that the actions of Officers Klee and Koike were a substantial deviation from approved Department tactical training.

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

Therefore, I will direct Officers Klee and Koike to attend a Tactical Debrief and that the identified topics be discussed.

⁷ Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018

⁸ Supervisor's Field Operations Guide, Volume 2 LAPD Emergency Operations Guide.

General Training Update (GTU)

On March 14, 2023 Officer Koike attended the GTU. All mandatory topics were covered.

Policy on the Use of Force⁹

Use of De-Escalation Techniques

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings

Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

Proportionality

Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Rendering Aid

After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers: To the extent of the officer's training and experience in first aid/CPR/AED; and, To the level of equipment available to an officer at the time assistance is needed.

Requirement to Intercede

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

⁹ LAPD Manual, Volume 1, Section 556.10.

Factors Used to Determine Objective Reasonableness

Pursuant to the opinion issued by the United States Supreme Court in Graham v. Connor, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar Training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;*
- *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);*
- *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;*
- *The environmental factors and/or other exigent circumstances; and,*
- *Whether a person is a member of a vulnerable population.*

Use of Force – Non-Deadly

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.

Non-Lethal Use of Force

Officer Koike — Strike and Firm Grips

Officer Klee — Firm Grips

As Officer Koike made his approach to Roots, Officer Koike used a firm grip to grab Roots' right arm and immediately felt Roots tense up. Officer Klee used a firm grip to grab Roots' left arm. Roots repeatedly stated that he had asthma and breathing problems and began to drop his bodyweight to the ground. Officers Koike and Klee maintained their hold on Roots' arms as he

went to his knees, twisted and rolled onto his right side. Officer Koike placed his left knee between Roots' left and right leg and placed his right leg outside of Roots' right leg. Officer Koike then attempted to move Roots' right wrist behind his back but encountered resistance. Officer Koike then handcuffed Roots' right wrist and Roots began grabbing Officer Koike's wrist and the handcuffs. Officer Koike warned Roots to stop grabbing the handcuffs. Roots then began rolling to his side and Officer Koike believed Roots was trying to throw him off balance in order to gain control of the handcuffs and use them as a weapon. At that time, Officer Koike struck Roots with a single punch to the left ribcage area. After being struck, Roots stopped resisting and laid face down on his stomach. Officer Koike was then able to handcuff Roots' left wrist behind his back. Officers Klee and Koike then placed Roots in a seated position.

Officer Koike recalled,

I know from especially in the academy they showed us how if you lose control of your handcuffs you can be seriously injured and they showed us pictures of an officer that had done that – that had lost control of their handcuffs and been seriously injured by the handcuff. I used my clenched left fist and I struck him in the ribs because I wanted to overcome his active resistance and stop him from possibly gaining control of my handcuffs or my hands throwing me off balance which could hurt my partner and I. So that's when I determined that I should punch or I should strike him in his rib area to overcome his resistance and to prevent my partner and I from being harmed.¹⁰

The UOFRB conducted a review and analysis of the investigation and circumstances of the incident in determining the reasonableness of the non-lethal force used by Officers Koike and Klee.

As it pertains to Officer Koike, the Board noted that he used firm grips and a single strike (punch) to control Roots. Based on Roots' level of resistance, the Board opined that the force applied by Officer Koike was objectively reasonable and proportional.

As it pertains to Officer Klee, the Board noted that he used firm grips to control Roots. Based on Roots' level of resistance, the Board opined that the force applied by Officer Klee was objectively reasonable and proportional.

Based on the totality of circumstances, the UOFRB determined, and I concur, an officer with similar training and experience as Officers Koike and Klee would believe the force used was objectively reasonable, proportional and necessary and the use of Non-Lethal Force to be In Policy, No Further Action.

¹⁰ Officer Koike's transcript, Page 23, Lines 10-23.

Medical Treatment/Rendering Aid

At approximately 1408 hours, Officers Koike and Klee handcuffed Roots. At 1409:14 hours, an RA was requested to treat Roots for his difficulty breathing. At approximately 1415 hours, the RA arrived at scene and began treating Roots. At approximately 1439 hours, Roots was transported to [REDACTED]. At approximately 2015 hours, [REDACTED] admitted Roots for “a large left pneumothorax” (collapsed lung). On December 21, 2022, Roots was released from the hospital.

While waiting for the RA to arrive, Roots requested the use of his albuterol inhaler. Officers Koike and Klee advised Roots that they could not administer medication. Roots had been complaining of his inability to breathe prior to being detained and stated multiple times that he had asthma. While conducting a pat down search of Roots, Officer Koike recovered an albuterol inhaler from his back pocket. The officers allowed a community member familiar with Roots and his asthma to administer his medication on his behalf. In light of the officers' immediate concern for the suspect's difficulty breathing, they allowed an acquaintance of Roots to administer his albuterol inhaler. In this case, in the spirit of reverence for life, I determined the immediate necessity to administer the inhaler to be consistent with the Department's expectation of rendering aid.

Requirement to Intercede

Based on their review of this incident, the Board determined, and I concur, that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances and would not have required an officer to intercede.

Audio/Video Recordings

Outside Video – During the investigation, security video was obtained from the following locations.

Video Source	Footage Captured
[REDACTED] [REDACTED] [REDACTED]	Footage of the officers exiting their vehicle and medical treatment by LAFD.
[REDACTED] [REDACTED] [REDACTED]	Footage of the officers' approach and the use of force.

Additional/Equipment – During the incident, Officer Koike failed to immediately notify his supervisor that he was involved in a non-categorical UOF. As a result, an approximate four-hour delay occurred before a supervisor was notified of the UOF. Officer Koike's issue was addressed at the divisional level via employee comment card with concurrence from Operations - Central Bureau (OCB) and the Office of Operations (OO); therefore, I deem no further action necessary.

The Honorable Board of Police Commissioners

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Social Media – A search of social media outlets by the **FID** Cyber Unit revealed no videos or postings related to this incident.

Photographs – On December 19, 2022, Technical Investigation Division photographed the scene, the officers and Roots. The photographs are stored under Media Control No. [REDACTED]

Respectfully,

A handwritten signature in black ink, appearing to read "Michel R. Moore". The signature is written in a cursive style with a large initial "M".

MICHEL R. MOORE
Chief of Police