



Complaint to the Hollywood Property Owners Alliance  
Regarding the Use of Excessive Force on November 23,  
2015 by BID Patrol Security Guards Coogle, Wissman,  
Tizano, and Cox

  
Los Angeles, CA 90038  


September 13, 2016

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# 1 Synopsis

1.

## 2 Why I'm submitting this to the Hollywood Property Owners Alliance

2. Richard Tefank, executive director of the Los Angeles Police Commission ("Police Commission") , told me that:

If you have a specific complaint that you wish to make I would suggest it be sent to the appropriate BID and copy the Commission.

See Exhibit 1 (page 8).

## 3 Why the Police Commission has jurisdiction over this matter

3. The Police Commission's rules for private patrol services operating in the City (see Exhibit 2, page 11) states:<sup>1</sup>

**7. Complaints:** The Private Patrol Service shall forward copies of all complaints of violations of codified laws involving the activities of itself or its street patrol officers which occurred in the City of Los Angeles. These complaints shall be investigated by members of the Los Angeles Police Department and shall be subject to review by the Board of Police Commissioners pursuant to Los Angeles Municipal Code sections 103.00 et seq.

4. Andrews International Security ("A/I") does not hold a permit from the Police Commission to operate as a Private Patrol Service in the City of Los Angeles. There is some question about whether or not BID security is required to hold such a permit, but, unlike many of the Police Commission rules, Rule 7 does not only apply to permittees, but to all Private Patrol Services, permitted or not. This is consistent with LAMC §52.34, which gives the Police Commission the authority to make rules to regulate private patrol services whether registered or not.
5. Thus the Police Commission has jurisdiction over this complaint whether or not A/I is ultimately found to be required to have a permit.

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<sup>1</sup>Although the appended copy of the rules was adopted in 2000, Mr. Tefank assures me that they are currently in force.

## 4 Applicable laws and definitions

6. 18 U.S. Code §242 states in pertinent part:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States . . . shall be fined under this title or imprisoned not more than one year, or both . . .

7. California Penal Code §837(1) states that:

A private person may arrest another . . . [f]or a public offense committed or attempted in his presence.

8. California Penal Code §835 states that:

An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention.

9. The Fourth Amendment to the United States Constitution states in pertinent part that:

The right of the people to be secure in their persons . . . against unreasonable . . . seizures, shall not be violated,

10. It is clearly established law that a person acts under color of law if they “exercised power ‘possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.’”<sup>2</sup> Private parties, when engaged in state action, act under color of law.<sup>3</sup>

## 5 Facts

11. On November 23, 2015 BID Patrol security guards Coogle, Cox, Wissman, and Tizano arrested Leon Jones for violating LAMC 41.18(d), which forbids sitting on a sidewalk. Eight minutes of this event can be seen on video at <https://youtu.be/bUxgpiH842A>.
12. It is evident that the security guards have called the LAPD before the video begins. At 1:53 one security guard asks another “are they en route, then?” and the answer is “yeah.” See <https://youtu.be/bUxgpiH842A?t=113>.
13. For the first three minutes and fifty three seconds of the video, while everyone is waiting for the LAPD to arrive, Jones is seen sitting on the sidewalk, making no attempt to leave and not engaging with or threatening the security guards who are surrounding him.

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<sup>2</sup>West v. Atkins, 487 U.S. 42, 49 (1988) (quoting United States v. Classic, 313 U.S. 299, 326 (1941)).

<sup>3</sup>Brunette v. Humane Soc’y of Ventura County, 294 F.3d 1205, 1209 (9th Cir. 2002).

14. At 3:53 one security guard asks another “you want him?” while pointing at Jones. The answer is “yeah.” At this point all four security guards jump onto Jones, ultimately handcuffing him. See <https://youtu.be/bUxgpiH842A?t=233>.
15. Jones was ultimately not arrested for violating LAMC §41.18(d), but rather for battery allegedly committed on Michael Coogle while Coogle was physically detaining Jones before the LAPD arrived. See Exhibit 3 (page 13).
16. According to Deputy City Attorney Mike Dundas the battery case against Jones was rejected for filing. See Exhibit 4 (page 17).

## **6 Conclusions**

### **6.1 That the force used was not reasonable**

17. For almost four minutes (paragraph 14) while the police were en route (paragraph 12) Jones made no attempt to leave (paragraph 13) the scene. The use of force against a suspect in a private person’s arrest is limited by 835 PC (see paragraph 8), which allows for “such restraint as is reasonable for his arrest and detention.” Since Jones was effectively detained by the presence of the security guards (paragraph 13) who had arrested him, no further restraint was reasonable.

### **6.2 That the use of force was done under color of law**

18. Because the force used in this arrest was unreasonable (section 6.1) it constituted a “misuse of power.”
19. The arrest report filed by Michael Coogle (Exhibit 3, page 13) states that the security guards made a private person’s arrest, which is authorized by 837 PC (paragraph 7). Thus the power that the security guards used was “possessed by virtue of state law.” That their actions were “made possible only because” they were “clothed with the authority of state law” is clear from the fact that had they not been shielded by 835 PC and 837 PC they themselves would be guilty of battery for using force to detain Jones.
20. Thus the definition of an action being done under color of law (paragraph 10) is satisfied.

### **6.3 That the use of force deprived Jones of rights secured by the Constitution**

21. Because the security guards who arrested Jones were acting under color of law (section 6.2) there was sufficient state action supporting their work so that they were bound to respect Jones’s constitutional rights.

## **6.4 That the named security guards violated 18 U.S. Code §242**

22. These four security guards “under color of ... law” (section 6.2) “willfully subject[ed]” Jones “to the deprivation of” a right “secured or protected by the Constitution” (section 6.3). Thus they violated 18 U.S. Code §242 (paragraph 6).

## **6.5 That the arrest was illegal irrespective of 18 U.S. Code §242**

23. These BID security guards made a private person’s arrest, so if their actions were legal, similar actions are legal for any private persons in similar circumstances. It can’t actually be the case, though, that it’s legal for groups of private citizens to physically subdue and handcuff other citizens for violating LAMC 41.18(d). That law is violated continually at farmers’ markets, by valet parking operations, near beaches, and all over the City. If the force that these security guards used was reasonable in the sense meant by 835 PC, the law would be authorizing wide-spread chaos. It isn’t, so the force used in the arrest must not have been reasonable, and therefore was illegal.

# **7 What I’m asking for**

## **7.1 From the HPOA**

24. That BID patrol security guards Coogle, Wissman, Tizano, and Cox be held responsible for their illegal actions towards Leon Jones.
25. That the Hollywood Property Owners Alliance take affirmative action to prevent its security guards from doing similar things in the future.
26. That the Hollywood Property Owners Alliance create and publicize a procedure for the independent review of complaints against its BID Patrol security guards.


## **7.2 From the Police Commission**

27. That the Police Commission have this incident investigated by the LAPD as is required by its rules for regulating private patrol operators<sup>4</sup> and, if necessary, review that investigation, as provided for in the Commission’s rules for private patrol services (paragraph 3).
28. That the Police Commission ensure that appropriate action is taken by the City and/or by the HPOA to hold Coogle, Wissman, Tizano, Cox, and others as appropriate, responsible for their actions and to prevent recurrence of similar situations.

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<sup>4</sup>“These complaints shall be investigated by members of the Los Angeles Police Department...”

## 8 Exhibits

8.1 Exhibit 1 – August 3, 2016 Tefank to 



## Re: Other questions about private patrol services and the Police Commission

**From:** RICHARD TEFANK <richard.tefank@lapd.lacity.org>  
**To:** [REDACTED]  
**Cc:** CHRIS WATERS <26246@lapd.lacity.org>, BENJAMIN JONES <30236@lapd.lacity.org>, ERNESTO VICENCIO <35039@lapd.lacity.org>  
**Subject:** Re: Other questions about private patrol services and the Police Commission  
**Date:** Wednesday, August 03, 2016 7:17 AM  
**X-Delivered-To:** [REDACTED]  
**Size:** 9 KB

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Good Morning,

We have never received a complaint to my knowledge relative to a BID security operator. Since they are a contracted entity retained by the BID it would seem to me that the complaint would be submitted to the BID for their appropriate action. Additionally the State Dept of Consumer Affairs may get involved relative to the company or individual guard.

Quite frankly the instruction over 17 years ago with no complaints filed against any BID security operator has not been ever brought to our attention.

If you have a specific complaint that you wish to make I would suggest it be sent to the appropriate BID and copy the Commission. We would evaluate any action that we may take upon receipt.

Richard M. Tefank, Executive Director  
Board of Police Commissioners  
100 W. First St., Suite 135  
Los Angeles, CA 90012  
[richard.tefank@lapd.lacity.org](mailto:richard.tefank@lapd.lacity.org)  
213-236-1400

>>> [REDACTED] > 8/2/2016 5:30 PM >>>  
Good Afternoon, Richard.

Officer Vicencio told me that the attached rules for private patrol services from 2000 are the most recent. I noticed that some of the rules apply to private patrol service permittees, which BID security guards are not, but others apply to private patrol services without limitation. Am I reading too much into this, or are even unpermitted private patrol services subject to those rules (2, 3, 6, and 7)?

If that's the case, or for some other reason, does the Police Commission assert any right to investigate complaints against BID security for

violations of codified laws (rule 7)? It seems to me that this is a separate issue from whether they're required to obtain permits to operate. I'm thinking that this is plausible since, e.g., in June 1999 (see attached minutes), which is after the City Council suspended Police Commission enforcement of LAMC 52.34 with respect to BID patrols, the Commission instructed Joe Gunn to monitor the Hollywood BID Patrol in response to a citizen complaint. So perhaps the right to monitor and/or investigate doesn't depend on a registration requirement?

Thanks for your attention,

A black, irregular redaction mark covering the signature area.

## 8.2 Exhibit 2 – Police Commission rules on private patrol services

BOARD OF  
POLICE COMMISSIONERS  
Approved 4.25.00  
Secretary *[Signature]*

**RULES AND REGULATIONS GOVERNING PRIVATE PATROL SERVICES**  
(IN ADDITION TO STATE LAWS AND CITY ORDINANCES)

1. **Address/Telephone:** Each Private Patrol Service permittee shall have and maintain a business address and/or emergency telephone number where a company representative is immediately available to members of the Los Angeles Police Department on a 24-hour per day basis.
2. **Advertisements:** No advertisement, representation or solicitation of any kind by a Private Patrol Service shall in any way imply that the Private Patrol Service is a part of the Los Angeles Police Department or any other law enforcement agency, or under contract or in any other way connected therewith.
3. **Uniforms:** All members of a Private Patrol Service shall be in full uniform at all times when performing any duty or service incidental to the operation of the Private Patrol Service unless prior notification is given to the Los Angeles Police Department Area Watch Commander.
4. **Employee Addresses:** Employee address changes shall be maintained by the permittee and shall be subject to inspection by the Board or its agent.
5. **Inspections:** Each holder of a Private Patrol Service permit shall hold inspections at least monthly of all street patrol officers on-duty on the date of inspection of all uniforms, required identification cards, badges, equipment, ammunition, and weapons. Records of inspections shall be maintained for a period of one year and shall be made available to the Commission or their agent upon request.
6. **Employee Lists:** All Private Patrol Services shall prepare and deliver an employee list or copies of the street patrol officers' registration forms to the Board twice a year. The employee list or copies of the street patrol officers' registration forms shall be received by the Board no later than January 10th and July 10th of each calendar year. The employee list or copies of the street patrol officers' registration forms shall include the employee's name, State Guard Registration card number and any other State required certifications (i.e., firearms, baton, chemical agents, etc.)
7. **Complaints:** The Private Patrol Service shall forward copies of all complaints of violations of codified laws involving the activities of itself or its street patrol officers which occurred in the City of Los Angeles. These complaints shall be investigated by members of the Los Angeles Police Department and shall be subject to review by the Board of Police Commissioners pursuant to Los Angeles Municipal Code sections 103.00 et seq.
8. **Rules:** Upon issuance of a Private Patrol Service permit, the Board of Police Commissioners shall provide to the Private Patrol Service a copy of these rules and of the City ordinance regulating Private Patrol Services and Street Patrol Officers. The Private Patrol Service shall ensure that its employees are familiar with the ordinance and rules.
9. **Severability:** A Board rule which is ruled to be invalid by a Court of competent jurisdiction shall not invalidate the remaining Board Rules.

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Adopted by the Board of Police Commissioners at a regular meeting of December 11, 1975. Amended April 25, 2000.

### **8.3 Exhibit 3 – Andrews International arrest report for Jones**

PAGE NO.	TYPE OF ARREST	ARREST	BOOKING NO. 4508650	DR. NO.
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<b>DEFENDANT(S) NAME</b>	<b>DOB</b>	<b>ARREST CODE</b>	<b>DATE</b>	<b>TIME</b>
JONES, LEON QUINTEL	04-10-1988	243(a) P/C- BATTERY	11-23-2015	1630 HRS

AR#15-0571

**OFFICER 1:** SGT. COOGLE #129  
**OFFICER 2:** WISSMAN #147  
**OFFICER 3:** TIZANO #141  
**OFFICER 4:** SGT. COX #133  
**VICTIM:** COOGLE, MICHAEL  
 6801 HOLLYWOOD BLVD  
 LOS ANGELES, CA 90028  
 323-465-0122

**SOURCE OF ACTIVITY:**

THE ABOVE OFFICERS WERE WORKING AS CONTRACTED, UNIFORMED SECURITY OFFICERS FOR THE HOLLYWOOD BUSINESS IMPROVEMENT DISTRICT / ANDREWS INTERNATIONAL 6801 HOLLYWOOD BLVD #169 LOS ANGELES, CA 90028 (323) 465-0122. OFFICERS WISSMAN AND TIZANO WERE ASSIGNED FB5. SGT. COX WAS ASSIGNED BOY2 AND SGT COOGLE WAS ASSIGNED E50.

**INVESTIGATION:**

FB5 OFFICERS WISSMAN AND TIZANO REQUESTED AN ADDITIONAL UNIT TO ASSIST WITH A POSSIBLE ARREST FOR 41.18(d) LAMC- SITTING ACROSS THE SIDEWALK.

UPON ARRIVAL, I MET WITH THE ABOVE OFFICERS WHO POINTED OUT TWO SUSPECTS SITTING ON THE SIDEWALK. THEY HAD TRASH, DEBRIS AND PROPERTY SPREAD AROUND THEM. BID OFFICERS EXPLAINED THAT ONE OF THE TWO SUSPECTS (LATER ID'D AS JONES, LEON QUINTEL) IS A CHRONIC PROBLEM. LOCAL BUSINESSES HAVE COMPLAINED ABOUT HIM AND THE TRASH AROUND HIM ALONG THE SIDEWALK. THE OFFICERS CONTINUED TO EXPLAIN THE NUMEROUS CONTACTS THEY HAVE HAD INVOLVING JONES. HE HAS BEEN ASKED MULTIPLE TIMES TO NOT SIT ACROSS THE SIDEWALK DURING DAYLIGHT HOURS.

TODAY, OFFICERS ADVISED JONES NOT TO SIT ON THE SIDEWALK AND HE RESPONDED, "WE'RE NOT GONNA FUCKING GET UP!" OFFICERS ADVISED JONES HE WILL BE ARRESTED AND JONES STATED, "YOU CAN'T ARREST ME- YOU CAN'T DON NOTHING!"

I SPOKE WITH JONES AND HE SAID HE WASN'T GOING STAND UP OR LEAVE. I EXPLAINED THAT HE WAS LIABLE FOR AN ARREST AND HE STATED, "YOU CAN'T ARREST ME!" I EXPLAINED THE VIOLATION AND THAT HE WILL BE ARRESTED FOR 41.18(d) LAMC- SITTING ON THE SIDEWALK. I TRIED TO GATHER HIS INFORMATION AND HE REFUSED TO ANSWER MY QUESTIONS FOR THE FI CARD.

AT WHICH TIME BID OFFICERS WISSMAN, TIZANO TOOK HOLD OF JONES' ARMS

PAGE NO.	TYPE OF ARREST	ARREST	BOOKING NO. 4508650	DR. NO.
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ADVISING HIS HE WAS BEING PLACED UNDER PRIVATE PERSONS ARREST FOR THE VIOLATION. HE REFUSED TO STAND UP AND KICKED OUT HIS LEGS THEN LAID FLAT, PULLING HIS HANDS UNDER HIS BODY. WHILE OFFICERS WISSMAN AND TIZANO ATTEMPTED TO PUT HIS HANDS BEHIND HIS BACK, I REMOVED MY HANDCUFFS TO HANDCUFF JONES. JONES LEANED TO HIS SIDE, AND KICKED AT MY GROIN. HIS FOOT MADE CONTACT WITH MY LEFT INNER KNEE. THE OFFICERS AND SGT COX WERE ABLE TO PLACE JONES' HANDS BEHIND HIS BACK AND I APPLIED MY HANDCUFFS. I DOUBLE LOCKED THEM FOR HIS COMFORT AND SAFETY.

WE CONTACTED LAPD COMMUNICATIONS FOR A UNIT TO RESPOND AND HANDLE THE INVESTIGATION.

**ARREST:**

I ADVISED JONES HE WAS BEING PLACED UNDER PRIVATE PERSONS ARREST (POWERS GRANTED BY 837 P/C) FOR 243(a) P/C- BATTERY.

LAPD UNIT 6A45 (OFFICERS ADAMS #34837 AND GALICIA #41404) RESPONDED TO OUR LOCATION.

**BOOKING:**

JONES WAS BOOKED #4508650 BY LAPD OFFICER ADAMS ON THE ABOVE CHARGE WITH THE ADVICE AND APPROVAL OF W/C SGT SLATER. HE ALSO HAD TWO ADDITIONAL MISD WARRANTS FOR HIS ARREST.

**ADDITIONAL:**

JONES WAS ARRESTED BY BID OFFICERS ON 09/10/2015 FOR 41.18(d) AT THE SAME LOCATION.

**EVIDENCE / PICTURES:**

A PHOTOGRAPH OF JONES' SHOE PRINT ON MY LEFT INNER KNEE ARE ATTACHED TO THE REPORT.

**INJURY AND MEDICAL TREATMENT:**

BID OFFICERS OBSERVED NO VISIBLE INJURIES BUT JONES DID COMPLAIN OF PAIN TO HIS WRISTS. I ASKED IF JONES WANTED AN AMBULANCE BUT HE REFUSED TO RESPOND.

I DID NOT RECEIVE ANY VISIBLE INJURIES AS A RESULT FROM THE BATTERY. IF ANY PAIN EVOLVES FROM THE KICK, I WILL SEEK MT FROM MY PHYSICIAN.



PAGE NO.	TYPE OF ARREST	ARREST	BOOKING NO. 4508650	DR. NO.
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8.4 Exhibit 4 – Dundas to [REDACTED] on disposition of Jones case

## Re: CPRA request (LAATTY.2016.07.23.b)

**From:** Mike Dundas <mike.dundas@lacity.org>**To:** [REDACTED]**Subject:** Re: CPRA request (LAATTY.2016.07.23.b)**Date:** Monday, August 01, 2016 11:24 AM**X-Delivered-To:** [REDACTED]**Size:** 8 KB

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The records in our possession are exempt from release under Government Code section 6254(k), but we can say that the case involving this arrest of defendant Leon Quintel Jones was rejected for filing.

On Sat, Jul 23, 2016 at 6:05 PM, <[REDACTED]> wrote:

Dear Mike,

I'd like to look at sufficiently many records to allow me to figure out what, if anything, happened to the case originating in the arrest described in the attached document. If there's a charge involved for running a report, please let me know and I'll send a check.

Thanks,

[REDACTED]

\*\*\*\*\*Confidentiality Notice\*\*\*\*\*

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