

## Michelle Williams

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**From:** Daryl Whitt  
**Sent:** Tuesday, October 05, 2010 9:54 AM  
**To:** Michelle Williams  
**Subject:** HMD - 9-28-10 Situation  
**Attachments:** Officer Novoa - Follow Up Statement.doc; Officer Morales - Follow Up Statement.doc; CPL Garcia - Follow Up statement.doc

Hello Michelle,

Here is the recap of my interviews with the officers involved with the detainment/arrest on 9-28-10.

There are still some gaps in their stories that I have been unable to close. The main issue as I see it is that CPL Garcia reacted in the wrong manner. He should have never advised the officer to place handcuffs on the subject as there was no threat towards any officer.

Let me know if you need anything else.

Sincerely,

Daryl Whitt  
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**PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL.**

October 1, 2010

Follow up Interviews

9-28-10 Arrest Situation

Jesus Novoa - #352037

The following is a recap of the interview that was conducted between Jesus Novoa and Daryl Whitt on October 1<sup>st</sup>, 2010. The information below will be an addendum to the written statement provided by Jesus Novoa on September 28<sup>th</sup>, 2010

- Officer Novoa was coming from Lexington and responding to the call for assistance by Officer Morales.
- Officer originally arrived at SW Corner of Santa Monica as this was the area in which Officer Morales stated he was located
- Officer Novoa proceeded to cross Santa Monica (towards Donut Time) and observed the Officer Morales and Cpl. Garcia had the subjects hands behind his back
- He was instructed to place handcuffs on Subject by Cpl. Garcia but was not provided a reason as to why the subject was being placed in handcuffs.
  - o Jesus Novoa further stated that he believed that he was asked to place the subject in handcuffs as it was for the personal safety of the subject. Novoa further stated that he was informed that the subject was running in and out of traffic, but was not aware of any threats made by the subject.
- Officer Novoa stated that he did see a tall can of Steel Reserve 211 near the subject and that the subject was reeking of beer/alcohol
- Subject was moved from entrance of Donut Time and was asked to sit in front of Hollywood Media BID Office.
  - o Subject kept repeating "Someone is behind me." "Someone is going to kill me."
  - o Officer Novoa was standing directly to the right side of the subject monitoring him until LAPD arrived.
  - o Subject would constantly try to get up but Novoa states that he would place his hand on the subjects shoulder and asked him to remain calm and sit down.
  - o Subject stated to Novoa that he was ok and just wanted to go and buy another beer.
- At no point in time did Officer Novoa ask the subject if he needed Medical Attention
- When LAPD arrived they asked Novoa to remove handcuffs he complied.
- According to Novoa LAPD immediately placed handcuffs on subject prior to placing him in the patrol car.

As a final note Officer Novoa did state that he believed it was a good idea that the subject was placed in handcuffs. He further stated that given the condition of the subject further harm would have come to him if he was not placed in handcuffs.

October 1, 2010

Follow up Interviews

9-28-10 Arrest Situation

Officer Morales #353075

- At approximately 0718 on 9-28 Officer Morales was on the NW Corner of Highland and was awaiting the light to travel eastward to Donut Time
- While waiting Officer Morales observed subject walking against the light into oncoming traffic.
- Subject stood in the middle of the street dodging vehicles as they passed and eventually made it across the street to where Officer Morales was located.
- Upon arriving on the NW Corner of Highland the subject was carrying a tall can of beer.
- Officer Morales asked the subject "Is that a can of Beer" and the subject immediately placed the can of beer on the ground.
- Upon placing the beer on the ground the subject immediately began walking in circles with his hands in the air stating "Someone is trying to kill me" and "Are you going to kill me."
- After stating the above the subject walked back into oncoming traffic against the red light.
- After witnessing the subject walk back into traffic Officer Morales called over the radio for additional units
- When the light turned green (giving right away to Officer Morales) he proceeded to cross Highland (eastbound) and was able to convince the subject to remove himself from the street to the corner of Donut Time.
- Upon arriving at Donut Time Officer Morales asked the subject if he needed Medical Attention at which time the subject responded "No"
- Officer Morales determined that the subject had been drinking based on the beer can that he was carrying as well the strong smell of alcohol coming from the subject.
- At approximately 0723 CPL Garcia arrived on scene based on radio call for additional officers. CPL Garcia was travelling North Bound on Santa Monica as he approached the scene
- Officer Morales states that as they were standing in front of the subject, the subject appeared to be staring past both him and CPL Garcia. Officer Morales stated "It appeared that he was staring past us and might attempt to run into traffic."
- Officer Morales stated that he looked away for a minute to see Officer Novoa on the N.W corner of Santa Monica and Highland. When he turned his attention back to the subject he noticed that CPL Garcia had subject by the right arm.
- After noticing that CPL Garcia had the subject by the right arm Officer Morales immediately grabbed the subjects left arm
- Officer Novoa was making his way from the NW Corner of Santa Monica Blvd to the SW Corner and upon arrival CPL Garcia gave the command to cuff the subject.

- From the point of view of Officer Morales there was no sense of danger/threats but due to his CPL requesting the cuffing he assumed it was for safety purposes.
- Officer Morales further stated that he did not believe that anyone including his fellow officers were in danger, but if that was the case he would of placed handcuffs on the subject as well.
- Officer Morales stated that when the command was given to cuff the subject, the subject was not advised that he would be cuffed. The subject did not resist at any time.
- Subject was moved to the entrance of HMD office. At that time Officer Morales entered HMD office and began to write information on the board for relieving officers.
- LAPD arrived on scene. Officer Morales remembers seeing LAPD give the subject a chance to walk and then immediately cuff the subject. He did not witness any conversation as he was in the HMD office.

October 1, 2010

Follow up Interviews

9-28-10 Arrest Situation

CPL Garcia - #36791

- CPL Garcia states that he was riding his bicycle on the S. Side of Santa Monica travelling N. Bound.
- CPL states that he was responding to NW Corner of Santa Monica as that is where the location of Officer Morales was when the call for additional units came in.
- CPL Garcia located Officer Morales in front of Donut Time and made his way across Highland Blvd and dismounted his bike on the left side of Officer Morales
- CPL Garcia states that subject began stating "Someone is going to kill me"
- CPL Garcia advised subject to sit down on the ground. Subject complied by sitting down on the S. Side of Donut Time.
- CPL Garcia states that he stepped away to place his bike in a better position and noticed Officer Novoa walking across Highland with 2 bicycles. (CPL Garcia states that Officer Morales left his bike on the NW corner of Santa Monica but this does not concur with the statements given by Officer Morales and Officer Novoa)
- Upon turning back around to subject CPL Garcia states that subject stood up and was looking past him into traffic
- A split second decision was made and CPL Garcia grabbed the right arm of the subject. The subject did not react violently when grabbed.
- CPL Garcia advised the subject to turn around and face the south wall of Donut time. The subject complied.
- When asked why he grabbed his arm CPL Garcia responded by saying "I was more concerned for his safety at the time yet I did not feel threatened at any point."
- CPL Garcia stated at that time Officer Morales grabbed the subjects left arm while he (CPL Garcia) advised the subject that he would be placing him in cuffs for his own safety.
- Upon arrival of Officer Novoa on scene CPL Garcia instructed Novoa to place handcuffs on the subject
- Once subject was cuffed CPL Garcia moved the subject in front of HMD Office
- LAPD arrived on Scene and began questioning subject. Subject was still in handcuffs during the questioning period.
- LAPD advised CPL Garcia that they should not risk their lives if the subject walks into the street.
- While subject was still in cuffs Officer Morales approached the subject and again offered medical attention.
- LAPD proceeded to remove handcuffs from subject
- Subject took 2 steps and was immediately handcuffed again and removed from the scene.
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**DATE:** September 30, 2010  
**TO:** Brian, Steve J., Scott S., Steve C., Paula, Bob, Irma  
**FROM:** Daryl Whitt - Branch/General Manager/RVP  
**RE:** **GENERAL LIABILITY – INITIAL NOTICE**

The attached document/information was received by DTLA on September 28<sup>th</sup>, 2010.

Please review and respond to me with any questions you may have regarding this situation and suggestions for resolution regarding this incident.

Below is my **initial summary** surrounding this situation:

- 1. Type of issue:**  General Liability – location: Hollywood Media BID \_\_\_\_\_  
**Type [loss keys, theft, etc. Arrest]**  
 Patrol / Vehicle Incident  
**Type [Vehicle, golf cart, bike, etc]:** \_\_\_\_\_  
 Other: \_\_\_\_\_

**2. Name of [Customer/Client/Vendor] Involved:** Hollywood Media BID

**3. Date of Original Incident:** September 28, 2010

**5. Date Submitted to Corporate office:** September 30<sup>th</sup>, 2010

**6. Property/Location/Address involved:** 6775 Santa Monica Blvd, Los Angeles CA

**7. Employee(s) Involved, if any:** Ricardo Morales, Jesus Novoa, Alejandro Garcia

**Date(s) of Hire:** 5-26-10, 9-14-09, 4-14-04  Still Employed  Terminated on:

**8. Statement included** YES  NO

**9. Investigation (explain situation and current status):** On 9-28-10 at approximately 0720

Officer Ricardo Morales encountered a subject that was in the middle of traffic on the Northwest corner of Santa Monica And Highland. Upon engaging the subject Officer Morales noticed that he had a tall can of beer in his hands as he was walking through traffic. After convincing the subject to move to the curb Officer Morales instructed the subject to place the beer can on the floor and proceeded to ask questions pertaining to why he was in the middle of traffic. The subject began to state that someone was trying to kill him and proceeded to ask Officer Morales if he was going to kill him as well. Based on the communication between the subject and Officer Morales, Morales elected to call for back up yet prior to assistance arriving on scene the subject walked back into oncoming traffic for a second time. Upon arrival of additional units (Novoa and Cpl Garcia) subject attempted to walk into traffic for the 3<sup>rd</sup> time and was placed in handcuffs for apparent drunk in public as well as for safety reasons. The police were contacted at approximately 0723 and arrived on scene at 0812 to question subject and eventually took the subject into custody.

New Complaint – no prior knowledge or documentation

**10. Current Plan of Action/Response – Branch Management:** Statements have been received From all officers involved yet there are many conflicts in the story. Cpl Garcia has stated that the



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Subject lunged towards him and that is why he was placed in handcuffs. Officer Morales states that

Subject was placed in handcuffs due to being intoxicated in public as well as for his personal safety, and Officer Novoa is stating that he was informed to place the subject in handcuffs by Cpl Garcia. It is unclear as to why the subject was placed in handcuffs and why the determination was made by Cpl Garcia to do so. All officers are being interviewed on site October 1, 2010 at 0800 hours and a follow up report will be submitted after all Officers are questioned for the 2nd time. Officers were initially questioned by Captain John Irigoyen prior to reports being submitted. Officer will be retrained on the Arrest Policy once again and if it is found that Cpl Garcia made an inappropriate judgment call he will be placed on a final warning pending approval from the corporate office.



**Universal  
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**INCIDENT REPORT**  
Universal Protection Service

**1-800-650-5044**

Corp Office: 1551 N. Tustin Ave.  
Santa Ana, CA 92705

Date of Incident 09/28/10		Time of Incident 0718 - 0745 HRS		Account Name HOLLYWOOD MEDIA		Reporting Officer CPL A. GARCIA	
Type of Incident: Slip and Fall <input type="checkbox"/>		Vehicle Break In <input type="checkbox"/>		Fire Safety <input type="checkbox"/>		Theft / Burglary <input type="checkbox"/>	
Property Damage / Hazard <input type="checkbox"/>		Medical <input type="checkbox"/>		Other <input checked="" type="checkbox"/>		390 SUBJECT	
Specific Location of Incident: NW CORNER OF HIGHLAND AND SANTA MONICA INTERSECTION. L.A. CA							
Condition of Area:				Weather Conditions:			
<input type="checkbox"/> Wet		<input type="checkbox"/> Cracked		<input type="checkbox"/> Rain		<input type="checkbox"/> Sunny	
<input checked="" type="checkbox"/> Dry		<input type="checkbox"/> Slippery		<input type="checkbox"/> Other (Describe):			
<input type="checkbox"/> Other (Describe):				Shoe Type:		Heel Size:	
Medical Treatment Offered? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				Accepted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Witness / Victims Involved in Incident (Legend: Victim = V; Witness = W)							
V or W	Name	Daytime Ph. No.	Home / Business Address				
W	OFFICER R. MORALES #353075	323-871-4150	6775 SANTA MONICA BLVD L.A. CA				
W	OFFICER J. NOVOA #352037	323-871-4150	6775 SANTA MONICA BLVD L.A. CA				
W	CPL A. GARCIA #36791	323-871-4150	6775 SANTA MONICA BLVD L.A. CA				
Description of Suspect / Subject in Question							
Name: (If Known) NICHOLAS HUEBERGER		Race: WHITE		Sex: MALE		Age/DOB: 04/04/69	
Weight: 160 LBS, HT: 5-10		Eyes: LIGHT-BROWN		Hair: BROWN		Hair Length: SHORT	
Beard: BROWN		Moustache:		Sideburns:		Other:	
Distinguishing Marks:							
Distinctive Speech Characteristics:							
Property: Stolen <input type="checkbox"/> Missing <input type="checkbox"/> Lost <input type="checkbox"/> Found <input type="checkbox"/> Damaged <input type="checkbox"/>							
Property Description		Brand Name/Make		Color		Serial Number	
Description of Incident:							
AT APPROXIMATELY 0720 HOURS OFFICER R. MORALES #353075 RADIOED FOR ADDITIONAL UNITS AT THE NORTH-WEST CORNER OF HIGHLAND AVE AND SANTA MONICA BLVD. I CPL A. GARCIA #36791 RESPONDED TO THE RADIO CALL FROM THE NORTH-WEST CORNER OF MCCADDEN AND ROMAINE. UPON MY ARRIVAL AT APPROXIMATELY 0721 HOURS I OBSERVED OFFICER R. MORALES ADVISING AND SUCCESSFULLY PERSUADING WHITE MALE ADULT NICHOLAS HUEBERGER TO MOVE FROM THE NORTH-EAST CORNER INTERSECTION OF HIGHLAND AVE AND SANTA MONICA BLVD TO THE BUSINESS FRONT OF 6785 SANTA MONICA BLVD. (DONUT TIME) AT THE SOUTH SIDE WALL OF THE BUSINESS. MR. HUEBERGER APPEARED TO BE UNDER THE INFLUENCE OF ALCOHOL (AND DETERMINED TO BE INTOXICATED BASED UPON UNSTABLE WALKING, SOMEWHAT STAGGERING, SLURRED SPEECH, ASKED US IF WE WERE GOING TO KILL HIM AND BEAT HIM UP. THE SUBJECT WEARING A BLACK T-SHIRT OVER BLUE JEANS STARTED OUT TOWARD TRAFFIC WHEN I MOVED CLOSER TO HIM ADVISING HIM TO SIT TO WHICH HE INITIALLY WILLING COMPLIED. THE SUBJECT STOOD UP WITHIN A FEW SECONDS, I SMELLED THE STRONG ODOR OF A BEER TYPE ALCOHOL BEVERAGE UPON HIS BREATH AS HE LUNGED TOWARD ME. I STEPPED BACK DEFENSIVELY TOOK CONTROL OF HIS RIGHT WRIST, I ADVISED HIM TO TURN AROUND AND FACE THE SOUTH WALL EXTERIOR OF (DONUT TIME) AND STABILIZED HIM. I THEN ADVISED THE SUBJECT THAT WE ARE PLACING CUFFS ON HIM FOR HIS SAFETY AND FOR THE SAFETY OF GENERAL PUBLIC NEAR THE BUSINESS. I ADVISED OFFICER J. NOVOA TO PLACE THE HAND CUFFS ON.							
Reporting Officer's Signature: <i>Amanda Garcia</i>						Date and Time 09/28/10	
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**Hollywood Media District  
Safety Services**

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**OFFICERS STATEMENT**

(all statements to be written in chronological order)

THE HAND CUFFS WERE PLACED UPON MR. HUEBERGER AT 0723 HOURS.  
THE LAPD - HOLLYWOOD DIVISION WAS CALLED AT 0724 HOURS, THE HOLLYWOOD MEDIA DISTRICT BED POST COMMANDER AND UPS WATCH COMMANDER WERE NOTIFIED REGARDING THE INCIDENT. WITHIN A FEW MINUTES, THE LAPD WAS CALLED A SECOND TIME AT 0803 HOURS.

LAPD OFFICERS ABALOS # 39951 AND RICHEY # 35737 ARRIVED AT 0812 HOURS PROCEEDED TO INTERVIEW MR. HUEBERGER REGARDING BEING DRUNK IN PUBLIC AND CAUSING A TRAFFIC HAZARD. THE LAPD OFFICERS EVENTUALLY RELEASED THE SUBJECT BUT IMMEDIATELY RE-CUFFED MR. HUEBERGER AFTER HE HAD TAKEN A FEW STEPS. THE SUBJECT WAS PLACED INTO THEIR PATROL CAR AND TRANSPORTED TO THE WEINGART CENTER.

THE SUBJECT WAS ASKED IF HE WANTED MEDICAL ATTENTION; WHICH WAS DECLINED.

CPL A. GARCIA # 36791

ALEJANDRO GARCIA

*Alejandro Garcia*

Hollywood Media District  
Safety Services

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OFFICERS STATEMENT

(all statements to be written in chronological order)

TUESDAY SEPTEMBER 28 2010, APPROXIMATELY 0718 HRS OFFICER MORALES (B-13) ARRIVED ON SCENE (NORTH WEST CORNER OF SANTA MONICA AN HIGHLAND) WHEN SUBJECT LATER CONFIRMED AS NICHOLAS HEUBERGER WAS WALKING INTO INTERSECTION (SANTA MONICA AN HIGHLAND) NEARLY BEING HIT FOUR TIMES BY FOUR DIFFERENT VEHICLES, BEFORE ARRIVING ON NORTH WEST CORNER OF SANTA MONICA AND HIGHLAND WHERE OFFICER MORALES WAS LOCATED. (NOTE NICHOLAS HEUBERGER WAS HOLDING A TALL CAN OF BEER, WHICH WAS OPENED). OFFICER MORALES THEN ASK NICHOLAS HEUBERGER IF THAT "CAN" WHICH HE WAS HOLDING, BEER? NICHOLAS HEUBERGER THEN BEGAN TO PANIC, AND WALK AROUND IN CIRCLES AFTER PLACING BEER (TALL CAN) ON FLOOR. NICHOLAS HEUBERGER THEN PLACED BOTH HANDS ON FOREHEAD AND STATED. "ARE YOU GOING TO KILL ME" "SOMEONE IS TRYING TO KILL ME". NICHOLAS HEUBERGER THEN FOR THE SECOND TIME "POWER WALKED" INTO TRAFFIC (INTERSECTION OF SANTA MONICA AND HIGHLAND) NEARLY BEING HIT TWICE BY ON COMING TRAFFIC. AT THIS TIME OFFICER MORALES THEN CALLED FOR ADDITIONAL UNITS APPROXIMATELY 0720 HRS. NICHOLAS HEUBERGER WAS NEARLY HIT TWICE AGAIN BY ON COMING TRAFFIC. CPL GARCIA AND OFFICER NOVOA ARRIVED ON SCENE APPROXIMATELY 0721 HRS. (NOTE: DURING THIS HOPE ORDEAL: NICHOLAS HEUBERGER WAS SUGGESTED TO WALK ONTO SIDEWALK AND OUT OF TRAFFIC BY OFFICER MORALES, FROM 0718 HRS TO 0721 HRS. THEN NICHOLAS HEUBERGER WAS SUGGESTED AGAIN TO STAY ON SIDE WALK BY ALL THREE OFFICERS MORALES, CPL GARCIA, OFFICER NOVOA AT APPROXIMATELY 0723 HRS) NICHOLAS HEUBERGER WAS ON 6785 SANTA MONICA

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OFFICERS STATEMENT

(all statements to be written in chronological order)

DOWNTIME PROPERTY (SOUTH SIDE OF PROPERTY) WHEN IT WAS CLEAR NICHOLAS HEUBERGER WAS UNDER THE INFLUENCE OF ALCOHOL. NICHOLAS HEUBERGER THEN AGAIN STATED "ARE YOU GOING TO KILL ME" "ARE YOU GOING TO BEAT ME UP" OFFICER MORALES THEN RESPONDED "NO ONE IS GOING TO HURT YOU" OFFICER MORALES THEN ADVISED NICHOLAS HEUBERGER IF HE NEEDED MEDICAL ATTENTION, NICHOLAS HEUBERGER THEN BEGAN TO STAIR INTO TRAFFIC "IGNORING" OFFICER MORALES SUGGESTED MEDICAL ATTENTION. NICHOLAS HEUBERGER THEN FOR THE THIRD TIME ATTEMPTED TO RUN INTO TRAFFIC. NICHOLAS HEUBERGER WAS THEN PLACED INTO HANDCUFFS AFTER CPL GARCIA GAVE THE OK TO ARREST NICHOLAS HEUBERGER FOR BEING DRUNK IN PUBLIC 647F (INTOXICATED PERSON) AND FOR HIS SAFETY. LAPD (LOS ANGELES POLICE DEPARTMENT) WAS THEN CALLED APPROXIMATELY 0723HRS LESS THEN ONE MINUTE AFTER HANDCUFFS WERE PLACED. LOS ANGELES POLICE DEPARTMENT WAS CALLED FOR THE SECOND TIME AT APPROXIMATELY 0803HRS. WHILE HOLLYWOOD MEDIA DISTRICT OFFICERS (CPL GARCIA, OFFICER MORALES, OFFICER NOVOA) A EYE WITNESS, MR KRISTHERER BRUNO D.O.B 07-03-1983, HISPANIC MALE ADULT, CLAIMED TO SEE NICHOLAS HEUBERGER NEARLY BEING HIT BY A METRO CITY BUS WHILE STANDING IN THE STREET IN FRONT OF 6655 SANTA MONICA THE ARENA, PRIOR TO NICHOLAS HEUBERGER AND HOLLYWOOD MEDIA DISTRICT'S OFFICER'S ARRIVAL ON SANTA MONICA AND HIGHLAND. LOS ANGELES POLICE DEPARTMENT ARRIVED ON SCENE APPROXIMATELY 0812 HRS. LOS ANGELES POLICE OFFICER'S ABALAS # 39951, RICHEY # 35737 CONFIRMED

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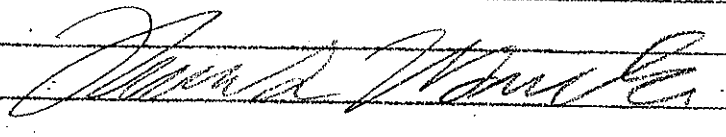
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OFFICERS STATEMENT

(all statements to be written in chronological order)

NICHOLAS HEUBERGER WAS DRUNK AND OR UNDER THE INFLUENCE OF ALCOHOL. LOS ANGELES POLICE THEN ADVISED HOLLYWOOD MEDIA DISTRICT OFFICERS IF THEY MAY UNHAND CUFF NICHOLAS HEUBERGER. OFFICER NOVA THEN UNHAND CUFFED NICHOLAS HEUBERGER. NICHOLAS HEUBERGER WAS THEN ADVISED TO WALK IN A STRAIGHT LINE BY POLICE OFFICERS. THEN UPON JUDGMENT OF LOS ANGELES POLICE OFFICERS, IT WAS DETERMINE NICHOLAS HEUBERGER WAS NOT FIT OR ABLE TO STAND ON OWN, THEN PLACED IN HANDCUFFS BY LOS ANGELES POLICE OFFICERS APPROXIMATELY 0831 HRS. LOS ANGELES POLICE OFFICERS THANKED HOLLYWOOD MEDIA DISTRICT OFFICERS FOR MAKING A GOOD ARREST, ADVISING IT MOST LIKELY SAVED NICHOLAS HEUBERGER'S LIFE. LOS ANGELES POLICE OFFICERS MADE THE DECISION OF TAKING NICHOLAS HEUBERGER (SUBJECT'S INFO - BLUE JEANS, BLACK T-SHIRT "REAL DEAL" BRAND, 5'10, 169, 41 YEARS, D.O.B. JULY 4, 1969, WHITE MALE ADULT) TO WEINGART CENTER. BOTH LOS ANGELES POLICE DEPARTMENT AND HOLLYWOOD MEDIA DISTRICT OFFICERS LEFT SCENE APPROXIMATELY 0845 HRS. WITHOUT ANY INCIDENT.

OFFICER MORALES B-13 #353075

 09/28/2010

Hollywood Media District  
Safety Services

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OFFICERS STATEMENT

(all statements to be written in chronological order)

ON TUESDAY 9-28-10 AT 0720 HOURS I OFFICER NOVCA RECEIVED A CALL FOR AN ADDITIONAL UNIT NEEDED BY OFFICER MORALES. WHEN I ARRIVED ON SCENE AT 0721 HOURS I SAW OFFICER MORALES AND CPL. GARCIA DEALING WITH A WHITE MALE ADULT 6'10 160 41 YEARS OF AGE WEARING A BLACK T-SHIRT BLUE JEANS IDENTIFIED AS NICHOLAS HARBELER DOB 7-4-1969. OFFICER MORALES ADVISED THAT HE WITNESSED SUBJECT DRIVING IN AND OUT OF TRAFFIC ON THE INTERSECTION OF SANTA MONICA AND HIGHLAND SUBJECT WAS ALSO DRUNK (P.C. 390). WHEN I MADE CONTACT WITH CPL. GARCIA AND OFFICER MORALES SUBJECT WAS FACING THE WALL AT 6785 SANTA MONICA DOWN TOWN. AT 0723 HOURS CPL. GARCIA ADVISED ME TO PLACE HANDCUFFS ON THE SUBJECT FOR HIS AND OUR SAFETY. CPL. GARCIA CALLED LAPD AT 0724 HOURS. CPL. GARCIA CALLED LAPD A SECOND TIME AT 0803 HOURS. LAPD RESPONDED AT 0812 HOURS OFFICER ABALOS #8991 AND OFFICER RICHEY #35737 WERE THE RESPONDING OFFICERS. LAPD FIELD INTERVIEWED SUBJECT AND TOOK HIM TO A WINEGAR AT 5<sup>TH</sup> AND CROCKER AT 0845 HOURS.

JESUS NOVCA  
#357037