

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 4**

June 26, 2024

**APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON** June 25, 2024

**SUBJECT:           USE OF FORCE REVIEW BOARD – RESPONSIBILITIES  
                          — REVISED; OFFICER-INVOLVED SHOOTING OR IN-  
                          CUSTODY DEATHS (ICD) OR INJURY – CONFIDENTIAL  
                          REPORTS — REVISED; DISTRIBUTION OF REPORT —  
                          REVISED NOTIFICATION TO DEPARTMENT OF JUSTICE  
                          — REVISED; NOTIFICATIONS WHEN INMATE DIES IN A  
                          DEPARTMENT JAIL FACILITY — REVISED; AND,  
                          NOTIFICATION TO DEPARTMENT OF CORRECTIONS  
                          — RENAMED AND REVISED**

**BACKGROUND:**   In an effort to provide safe and legal conditions for youth, inmates, and staff in local detention and jail facilities, Governor Gavin Newsom signed California Senate Bill 519 into law on October 4, 2023. The Bill creates the position of Director, In-Custody Death Review (ICDR) within the California Board of State and Community Corrections (BSCC). The BSCC is an entity that supports county adult and juvenile systems by inspecting jails and juvenile detention centers, among other responsibilities. The ICDR Director shall be responsible for the review of investigations of any death incidents that occur in a local jail or detention facility within California.

**PURPOSE:**       The purpose of this Order is to revise various Department Manual sections to bring the Department into compliance with the reporting and notification requirements set forth in California Senate Bill 519.

**PROCEDURE:**

- I.   USE OF FORCE REVIEW BOARD – RESPONSIBILITIES — REVISED.** Department Manual Section 2/092.50, *Use of Force Review Board – Responsibilities*, has been revised and is attached with the revisions in italics.
- II.   OFFICER-INVOLVED SHOOTING OR IN-CUSTODY DEATHS (ICD) OR INJURY – CONFIDENTIAL REPORTS — REVISED.** Department Manual Section 3/409.20, *Officer-Involved Shooting or In-Custody Deaths (ICD) or Injury – Confidential Reports*, has been revised and is attached with the revisions in italics.
- III.   DISTRIBUTION OF REPORT — REVISED.** Department Manual Section 3/794.39, *Distribution of Report*, has been revised and is attached with the revisions indicated in italics
- IV.   NOTIFICATION TO DEPARTMENT OF JUSTICE— REVISED.** Department Manual Section 4/238.35, *Notification to Department of Justice*, has been revised and is attached with the revisions in italics.

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- V. **NOTIFICATIONS WHEN INMATE DIES IN A JAIL FACILITY — REVISED.** Department Manual Section 4/648.14, *Notifications When Inmate Dies in a Department Jail Facility*, has been revised and is attached with revisions indicated in italics.
- VI. **NOTIFICATION TO DEPARTMENT OF CORRECTIONS — RENAMED AND REVISED.** Department Manual Section 4/238.36, *Notification to Department of Corrections*, has been renamed *Notification to Board of State and Community Corrections*, and revised and is attached with the revisions in italics.

**AMENDMENT:** This Order amends Sections 2/092.50, 3/409.20, 3/794.39, 4/238.35, 4/238.36, and 4/648.14 of the Department Manual.

**AUDIT RESPONSIBILITY.** The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



DOMINIC H. CHOI  
Chief of Police

Attachments

DISTRIBUTION "D"

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**092.50 USE OF FORCE REVIEW BOARD - RESPONSIBILITIES.** The Use of Force Review Board shall convene at the direction of the Chair of the Board and shall:

- Avail itself of any facilities of the Department necessary to conduct a complete examination of the circumstances involved in the incident under investigation;
- Report its findings and recommendations to the Chief of Police; and,
- Upon adjournment, forward the Use of Force Internal Process Report, Form 01.67.01, and other related reports to the Chief of Police.

**Membership.** The Use of Force Review Board shall be composed of the following:

- The Director, Office of Support Services, Chair;
- The involved employee's bureau commanding officer, as an ex-officio member;
- Peer member;
- Operations staff officer selected by the Director, Office of Operations; and,
- The Commanding Officer, Training Bureau.

**Note:** The Director, Office of Support Services will select an alternate member when a conflict arises.

**Exception:** When the involved employee is assigned to an organizational entity not subordinate to a bureau commanding officer, the Director, Office of Operations shall appoint a staff officer as an ad hoc member to fill the otherwise vacant position of the involved employee's bureau commanding officer.

**Peer member.** A peer member of the same classification as the involved employee shall be selected from a different bureau of assignment than the involved employee. The role of the peer member is to provide the Board with insight at a level of expertise equal to the rank and tenure of the involved employee. The Chair of the Use of Force Review Board shall select the peer member from a standing pool of personnel. Prior to that selection, the Chair shall ensure that the peer member selected has a clear understanding of the role. In addition, the Chair shall ensure that the member receives training in Use of Force Review Board responsibilities and functions. Members shall be appointed to the pool as follows:

- Six members of the classification of Police Officer shall be designated by each Operations Bureau commanding officer, the Director, Office of Support Services, and the Director, Office of Operations;
- One member each of the classifications of Detective and Sergeant shall be designated by each Operations Bureau commanding officer, and the Office of Support Services;
- One member of the classification of Lieutenant shall be designated by the Director, Office of Support Services, and the Director, Office of Operations; and,
- One peer member from other classes shall be designated by the Chair as necessary. During the time the Use of Force Review Board is convened, the selected peer member shall be assigned to the Use of Force Review Board as *their* primary duty assignment. Such assignment shall terminate upon adjournment of the Board. An employee's Use of

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Force Review Board peer member pool standing shall terminate upon the direction of their bureau commanding officer or upon *their* transfer from the bureau from which *their* was designated.

**Advisory Committee.** The committee shall be comprised of the following ad hoc members for technical expertise.

- Officer in Charge (OIC), Self Defense Unit, Training Division;
- The Commanding Officer, Critical Incident Review Division;
- The Commanding Officer, Training Bureau;
- The Commanding Officer, Force Investigation Division (FID);
- The OIC, Tactics Unit, Training Division; and,
- The FID investigative team.

**Special Duties-Chair.** The Chair of the Use of Force Review Board shall, upon receipt, review all investigation reports and convene the Board when the investigation involves:

- *An in-custody death;*

**Note:** When reviewing in-custody deaths of juveniles, *including in-custody death incidents that occur within a Department jail facility*, the Chair of the Use of Force Review Board shall ensure that Force Investigation Division has made the proper notification to the State of California Board of *State and Community Corrections*.

- Death or serious injury resulting from police action, except those reportable only as traffic crashes;

**Note:** An injury shall be considered serious when the injury is substantial and requires hospitalization.

- All head strikes with an impact weapon *or device*;
- All upper body control hold use of force incidents;
- Discharge of a firearm by sworn and/or *Department* security personnel; and,
- Any other incident involving the discharge of a firearm by a Department employee which, in the judgment of the Chair, warrants review.

**\*\*\*\*\*THE REMAINDER OF THIS SECTION REMAINS UNCHANGED \*\*\*\*\***

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**409.20 OFFICER - INVOLVED SHOOTING OR IN - CUSTODY DEATHS (ICD) OR INJURY - CONFIDENTIAL REPORTS.** The original and all copies of the final administrative report of the following incidents shall be marked "Confidential." The Commanding Officer, Force Investigation Division, will retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management and Legal Affairs Division, and the Department's Use of Force Review Board:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of carotid restraint or choke hold;

**Note:** A carotid restraint is defined as, "a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person." A choke hold is defined as, "any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe."

**Note:** The Department does not authorize the use of upper body control holds, including the use of a modified carotid, full carotid, or locked carotid hold; therefore, any use is unauthorized and shall be investigated as a categorical use of force.

- All *in-custody death incidents (ICDs)*;

**Note:** All In-Custody Deaths (ICDs) formerly referred to as Law Enforcement Activity Related Death (LEARD) incidents will now be referred to as ICD incidents.

**Note:** *Upon request from the Director, In-Custody Death Review, California Board of State and Community Corrections, Force Investigation Division shall also provide a copy of the final administrative report of any in-custody death incident that occurs within a Department or city jail or detention facility.*

- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization;
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight) and all unintentional (inadvertent or accidental) head strikes that result in serious bodily injury (as defined below), hospitalization or death;

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- Loss of consciousness;
- Concussion;
- Bone fracture;
- Prolonged loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,

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- o Serious disfigurement.

**Note:** All other unintentional head strikes shall be investigated as Level 1 Non-Categorical Use of Force (NCUOF) incidents.

- An incident in which a member of the public is bitten by a Department canine and hospitalization is required; and,
- Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

**Exception:** Related crime and arrest reports shall be marked and regarded as confidential but distributed in the normal manner.

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**794.39 DISTRIBUTION OF REPORT.** The original and all copies of the final FID administrative report must be marked "CONFIDENTIAL." The Commanding Officer, FID, will retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management and Legal Affairs Division, and the Department's Use of Force Review Board.

*Note: Upon request from the Director, In-Custody Death Review, California Board of State and Community Correction, Force Investigation Division shall also provide a copy of the final administrative report of any In-Custody Death Incident that occurs within a Department jail facility.*

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**238.35 NOTIFICATION TO DEPARTMENT OF JUSTICE.** Force Investigation Division shall notify the Department of Justice, Bureau of Criminal Statistics, Statistical Data Center, in writing within ten days of the occurrence of each in-custody death and provide the appropriate information relating to the death.

*Note: Force Investigation Division shall also provide notification and, upon request from the Director, In-Custody Death Review (ICDR), California Board of State and Community Corrections, provide a copy of the final administrative report of any in-custody death incident that occurs within a Department jail facility to the Director, ICDR.*



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**648.14 NOTIFICATIONS WHEN INMATE DIES IN A DEPARTMENT JAIL FACILITY.** A detention officer, upon learning of the death of an inmate in a Department jail facility, shall notify the on-duty watch commander who shall then notify:

- The Officer in Charge, Jail Operations Section, Custody Services Division;
- The Department Command Post, Department Operations Center (DOC);
- A supervisor of the concerned agency, when the arrestee is booked by an agency other than this Department; *and,*
- *The Commanding Officer, Force Investigation Division.*

**Note:** During off-hours, notification shall be made to the Watch Commander, Metropolitan Jail Section, Custody Services Division.

The Commanding Officer, Force Investigation Division (FID), is responsible for ensuring that the Supervisor, Jail Dispensaries, Medical Services Division, Personnel Department, is notified. Notification shall be routinely made as soon as practicable during normal duty hours, Monday-Friday, 0730-1630 hours.

**Note:** The FID investigating officers shall be responsible for advising *Department* personnel of information to be included in *administrative* reports required as a result of the death of an inmate held in a Department jail facility.

As per *Section 10008 of the California Penal Code*, when a person who is in custody dies, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person at the time of their death shall, consistent with reporting requirements pursuant to Section 12525 of the Government Code, post all of the following on its internet website:

- The full name of the agency with custodial responsibility at the time of death;
- The county in which the death occurred;
- The facility in which the death occurred, and the location within that facility where the death occurred;
- The race, gender, and age of the decedent;
- The date on which the death occurred;
- The custodial status of the decedent, including, but not limited to, whether the person was awaiting arraignment, awaiting trial, or incarcerated; and,
- The manner and means of death.

Within **five calendar days** of the incident, FID shall provide the above information to Media Relations Division (MRD). Media Relations Division shall post the above information on the Department's website within **ten calendar days** of the incident.

If any of the above information changes, including but not limited to, the manner and means of death, FID shall notify MRD of the changes within **15 calendar days** from the date that FID becomes aware of the changes. If notified by FID of any changes, MRD shall update the posting within **thirty calendar days** of the change.

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**If the Department seeks to notify next of kin and is unable to notify them within ten calendar days of the death, the Department shall be given an additional ten calendar days to make good faith efforts to notify next of kin before the information is posted.**

**Procedures for transferring an inmate's personal property to the Coroner and making the appropriate inmate release notification when an inmate dies in a Department jail shall be performed in accordance with Department Manual Section 4/238.65.**

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**238.36 NOTIFICATION TO *BOARD OF STATE AND COMMUNITY CORRECTIONS*.** Force Investigation Division shall notify the *California Board of State and Community Corrections*, in writing within ten calendar days of the occurrence of each in-custody death of a detained juvenile. The notification shall include the appropriate information relating to the death.

*Note: Force Investigation Division shall also provide written notification and, upon request from the Director, In-Custody Death Review (ICDR), California Board of State and Community Corrections, provide a copy of the final administrative report of any in-custody death incident that occurs within a Department jail facility to the Director, ICDR.*