

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 15**

December 6, 2022

**APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON** December 6, 2022

**SUBJECT: CATEGORICAL USE OF FORCE INVESTIGATIONS AND NOTIFICATION TO NEXT OF KIN OF DECEASED PERSON – REVISED; AND, NOTIFICATIONS WHEN AN INMATE DIES IN A DIVISION JAIL FACILITY – RENAMED AND REVISED**

**PURPOSE:** On August 29, 2022, and September 29, 2022, Senate Bill 1268 and Assembly Bill 2761 respectively, were enacted into law. Senate Bill 1268 requires that the parent or guardian of a minor whose death is being investigated by a law enforcement agency be provided specified information relating to the investigation, including the name and contact information of the investigating officers; case number of the investigation.

Assembly Bill 2761 specifies that if a death occurs while a person is in custody, the agency with jurisdiction over the state or local correctional facility within which the death occurred is required to post specified information on its internet website within ten days of the date of the death. Assembly Bill 2761 shall grant an agency an additional ten days to make good faith efforts to notify next of kin if the agency seeks to notify next of kin and is unable to do so within ten days of the death. Additionally, AB 2761 mandates that the agency update the posting within 30 days of any change in the specified information.

The purpose of this Order is to revise Department procedures as they pertain to juvenile death investigations and in-custody deaths, in order to ensure compliance with the new laws.

**PROCEDURE:**

- I. CATEGORICAL USE OF FORCE INVESTIGATIONS – REVISED.** Department Manual Section 3/794.10, *Categorical Use of Force Investigations*, has been revised. Attached is the manual section with the revisions indicated in italics.
- II. NOTIFICATION TO NEXT OF KIN OF DECEASED PERSON – REVISED.** Department Manual Section 4/238.43, *Notification to Next of Kin of Deceased Person*, has been revised. Attached is the manual section with the revisions indicated in italics.
- III. NOTIFICATIONS WHEN AN INMATE DIES IN A DIVISION JAIL FACILITY – RENAMED AND REVISED.** Department Manual Section 4/648.14, *Notifications When an Inmate Dies in a Division Jail Facility*, has been revised and renamed as *Notifications When an Inmate Dies in a Department Jail Facility*. Attached is the manual section with the revisions indicated in italics.

**AMENDMENTS:** This Order revises Sections 3/794.10, 4/238.43 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.

A handwritten signature in blue ink, appearing to read 'MICHEL R. MOORE', is positioned above the typed name.

**MICHEL R. MOORE**  
Chief of Police

Attachments

DISTRIBUTION "D"

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**794.10 CATEGORICAL USE OF FORCE INVESTIGATIONS.** Force Investigation Division (FID) is responsible for investigating all aspects of Categorical Use of Force (CUOF) incidents (except as detailed below) and any other investigation at the direction of the Chief of Police (COP).

Force Investigation Division is also responsible for investigating CUOF and/or Non-Categorical Use of Force (NCUOF) incidents where the Department has agreed to conduct similar critical incident investigations for other non-Department entities, such as the Los Angeles Fire Department Arson Unit, the Los Angeles World Airport Police and other non-City entities (e.g., University of California, Los Angeles; University of Southern California Department of Public Safety, and California State University Northridge, Department of Police Services).

**In-Custody Deaths.** Force Investigation Division shall complete a CUOF In-Custody Death (ICD) investigation in all cases where there is a death of any arrestee or detainee in the custodial care of the Department unless all of the following conditions exist:

- The Los Angeles County Coroner makes a preliminary determination that the death was caused by natural, accidental or undetermined means;
- The incident did not involve a use of force or evidence of foul play;
- There is no misconduct which would rise to the level of negligence or risk management issues associated with the incident to include: commission of a criminal offense; neglect of duty; violation of Department policies, rules, or procedures; and, conduct which may tend to reflect unfavorably upon the employee or the Department;
- The investigation reveals that there were no violations of Department policies and procedures which directly led to the death;
- The toxicology report supports the Coroner's determination; and,
- The investigation reveals no problematic evidence or seriously-conflicting witness statements regarding the incident.

When all of these aforementioned circumstances exist, the assigned FID investigator shall review the investigation with *their* section lieutenant and receive approval to close out the incident via a Death Investigation Report, Form 03.11.00, consistent with existing Department procedures.

After the approval to reclassify the ICD is provided by the section lieutenant, the assigned FID investigator shall:

- Complete an extensive Follow-Up Investigation Report, Form 03.14.00, thoroughly documenting the investigative efforts and its completion;
- Complete an Intradepartmental Correspondence, Form 15.02.00, documenting a synopsis of the incident, the Coroner's findings, investigative steps, and the rationale for closing the investigation; and,
- Attach all relevant addenda items (e.g., Autopsy Report, Toxicology Report and Follow-Up Investigation Report) to the Intradepartmental Correspondence.

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*If the ICD occurred in a Department Jail Facility, FID and Media Relations Division personnel shall adhere to procedures listed in Department Manual Section 4/648.14, Notifications When an Inmate Dies in a Department Jail Facility, including notifications and internet publications mandated by state law.*

The FID investigator shall compile the Intradepartmental Correspondence and all relevant addenda items into an ICD Case Reclassification Package (CRP). After the reclassification is approved by the Commanding Officer (CO), FID, the ICD CRP will be forwarded by the CO, FID, to the CO, Critical Incident Review Division (CIRD), for concurrence. Simultaneously, the CO, FID, will forward an informational copy to the Office of the Inspector General (OIG).

Once concurrence is obtained from the CO, CIRD, the ICD CRP will be presented to the COP for *their* signature and transmission to the Board of Police Commissioners (BOPC) for approval. The Intradepartmental Correspondence, along with the ICD CRP to support the recommended action, shall serve as the COP's recommendation to the BOPC to have the incident reclassified.

Should the BOPC agree with the request to reclassify the ICD, the FID investigator will work with the detectives in the Area of occurrence to facilitate the exchange of information and ensure that the case is closed properly.

In the event that concurrence does not take place at any level during the process, the *established* FID investigative process will continue and the incident will remain as the original classification of the CUOF ICD.

**The Remainder of this Section Remains Unchanged**

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**238.43 NOTIFICATION TO NEXT OF KIN OF DECEASED PERSON.** Whenever practicable, notification to the next of kin of a deceased person shall be made in person by the investigating officers. If the next of kin lives in another Area, a police unit of that Area shall be requested to make the personal notification. If the next of kin lives outside the City, the Coroner shall be requested to make the notification. Generally, an in-person notification is the preferred method of informing the next of kin of a death. However, circumstances may *necessitate* a need for an alternative method of making *the* notification (e.g., telephonically). Officers should use their best judgment in making a determination as to the method of notification to the next of kin of a deceased person.

*Notification for Death of an Inmate in a Department Jail Facility.* As per California Assembly Bill 2761, the Department shall post particular information on its public website (see Department Manual Section 4/648.14, *Notifications When an Inmate Dies in a Department Jail Facility*) within ten calendar days of the date of an in-custody death in a Department Jail Facility. If the Department seeks to notify the next of kin and is unable to notify them within ten calendar days, an additional ten calendar days shall be afforded to make good faith efforts to notify next of kin before the information is posted.

*Notification to a Parent or Guardian of a Minor.* As per California Senate Bill 1268, in the event of a death of a minor, if the Department has primary responsibility for the investigation, it shall provide the victim's parent or guardian with the following information (if and when the parent or guardian is located):

- Contact information for each law enforcement agency involved in the investigation and the identification of the primary contact, if known, for the particular investigation at the involved law enforcement agency;
- The division of records number referencing the investigation;
- A list of the personal effects found with the minor and contact information necessary to collect the victim's personal effects (pursuant to Section 27491.3 of the Government Code); and,

*Note:* The list of the victim's personal effects may be withheld, providing such information would interfere with the investigation.

- Information regarding the status of the investigation, at the discretion of the law enforcement agency.

*In the event that a parent or guardian is not located, the Department shall provide the above information to the victim's immediate family.*

*Note:* For purposes of this Section, "immediate family" means the victim's spouse, parent, guardian, grandparent, aunt, uncle, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption. As per California Senate Bill 1268, the Department may require any family member receiving the above information to confirm their identity through a certified declaration.

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*The Department is not required to provide any information that would jeopardize or otherwise allow an individual to interfere with an ongoing investigation, nor are personnel required to provide for inspection investigative records generated pursuant to their investigation.*

**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.

**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 personnel of information to be included in reports required as a result of the death of an inmate held in a Department jail facility.

*As per California Assembly Bill 2761, 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.*

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*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.*

*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*.