

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

February 7, 2023

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

February 7, 2023

SUBJECT: LEVELS OF REVIEW – ESTABLISHED; CATEGORIES AND INVESTIGATIVE RESPONSIBILITIES FOR USE OF FORCE – REVISED; VARIOUS MANUAL SECTIONS APPLICABLE TO USE OF FORCE PROCEDURES – REVISED; AND, LOS ANGELES POLICE DEPARTMENT NON-CATEGORICAL USE OF FORCE REPORT, FORM 01.67.05 – REVISED

PURPOSE: The purpose of this Order is to revise the procedures on reportable Use of Force (UOF), establish Level III UOF incidents, and the levels of review. Additionally, this Order also revises various Department Manual sections related to UOF procedures and the Department's Non-Categorical Use of Force Report.

PROCEDURE:

- I. LEVELS OF REVIEW – ESTABLISHED.** Department Manual section 3/793.01, *Levels of Review*, has been established and is attached.
- II. VARIOUS MANUAL SECTIONS APPLICABLE TO USE OF FORCE PROCEDURES – REVISED.** Attached are several revised Department Manual sections pertaining to UOF categories and investigative responsibilities, and procedures with the revisions indicated in italics.
- III. LOS ANGELES POLICE DEPARTMENT NON-CATEGORICAL USE OF FORCE REPORT, FORM 01.67.05 – REVISED.** Attached is the revised *Los Angeles Police Department Non-Categorical Use of Force Report*, Form 01.67.05.

FORM AVAILABILITY: The above form is available in E-Forms on the Department's LAN and is attached for immediate use and duplication. The "Form Use" for this form is revised to reflect the addition of the Level III Non-Categorical Use of Force to the report form.

AMENDMENTS: This Order establishes Section 3/793.01 and amends Sections 3/793.05, 4/245.05, 4/245.10, 4/245.11 and 4/245.12 of the Department Manual. Additionally, this Order amends Form 01.67.05.

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.



MICHEL R. MOORE
Chief of Police

Attachments

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793. ADJUDICATING A NON-CATEGORICAL USE OF FORCE INCIDENT.

793.01 LEVELS OF REVIEW. *All Non-Categorical Use of Force (NCUOF) Incidents shall be reviewed and approved at the following levels:*

Level I and Level II Incident (as defined in Department Manual Section 4/245.11) – Upon completion by the investigating supervisor, the completed NCUOF investigation shall be routed to the following entities for the following purposes:

Watch Commander/Unit Officer in Charge (OIC) Responsibilities. *The Area Watch Commander or Unit OIC shall:*

- *Review the investigation for completeness and the appropriate level designation;*
- *Provide a recommended administrative disposition for the tactics and the force used;*
- *Identify training issues; and,*
- *Provide recommended corrective action, if necessary.*

Area/Division Training Coordinator Responsibilities. *The Area or division Training Coordinator shall:*

- *Review the investigation for completeness; and,*
- *Verify the appropriate level designation as received from the watch commander/unit OIC.*

Area/Division Commanding Officer Responsibilities. *The Area or division commanding officer shall:*

- *Confirm the appropriate Use of Force level designation;*
- *Provide a recommended disposition for tactics and the force used; and,*
- *Recommend any corrective action, if necessary.*

Bureau Commanding Officer Responsibilities. *The bureau commanding officer shall:*

- *Review the recommended disposition for tactics and the force used;*
- *Review the recommended corrective action provided by the Area/division commanding officer; and,*
- *Approve or amend the recommended dispositions and corrective actions taken.*
 - *If amended, provide written justification in the NCUOF report.*

Critical Incident Review Division Responsibilities. *Critical Incident Review Division shall:*

- *Review the recommended disposition for tactics and the force used;*

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- *Review any recommended action provided by the Area/division commanding officer and the bureau commanding officer;*
- *Provide a final disposition of the tactics and the force used; and,*

Note: *Any amendment to the recommended disposition of the bureau commanding officer will require a written justification in the NCUOF report.*

- *Notify the affected employee(s) and their commanding officer(s) of the final disposition.*

Level III Incident (as defined in Department Manual Section 4/245.11) – Upon completion by the investigating supervisor, the completed Level III NCUOF investigation shall be routed to the following entities for their respective responsibilities:

Watch Commander/Unit OIC Responsibilities. Upon receiving completed Level III NCUOF investigations, Area watch commanders or Unit OICs shall:

- *Review the investigation for completeness and the appropriate level designation;*
- *Identify training issues; and,*
- *List any recommended corrective action, if necessary.*

Area/Division Training Coordinator responsibilities. Upon receiving completed Level III NCUOF Investigations, Area or division training coordinators shall:

- *Review the completed Level III use of force investigation;*
- *Verify the appropriate level designation as received from the watch commander/unit OIC;*
- *Identify training issues; and,*
- *List any recommended corrective action, if necessary.*

Area/Division Commanding Officer Responsibilities. Upon receiving completed NCUOF investigations, Area or division commanding officers shall:

- *Review the completed Level III use of force investigation to ensure appropriate classification within the 14 calendar-day review period;*
- *Ensure identified training issues and recommended corrective action(s) are addressed; and,*

Note: *If the commanding officer determines the completed Level III use of force investigation is appropriately classified, and that the force itself will not be adjudicated as “out of policy,” then the completed Level III use of force investigation shall be closed out.*

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- *Forward all closed out Level III use of force investigations to Critical Incident Review Division.*

***Note:** If the commanding officer determines the force itself would be adjudicated as “out of policy,” the completed Level III use of force investigation shall be re-classified as a Level I use of force investigation.*

793.05 COMMANDING OFFICER’S RESPONSIBILITIES. Upon receipt of a Non-Categorical Use of Force (NCUOF) investigation, the commanding officer shall:

- Utilize the Area/division Training Coordinator to evaluate the incident *and confirm that it meets the criteria for the prescribed investigation level;*
- *Reclassify NCUOF investigations, when necessary, and direct the investigating supervisor to conduct a review of the investigation, ensure pertinent information is included, and resubmit the investigation;*
- Contact subject matter experts (e.g., Training Division, *Critical Incident Review Division, and the Mental Evaluation Unit*) to obtain additional information, as needed;
- Review all reports and make a recommendation on the disposition;
- Sign the Use of Force Internal Process Report, Form 01.67.04;
- Notify the employee of *the* Critical Incident Review Division final disposition as soon as practicable; and,
- Ensure the officer is served with a copy of the Non-Categorical Use of Force Administrative Disapproval Internal Process Receipt, Form 01.67.07, when the final disposition for tactics and/or the use of force is *Administrative Disapproval.*

Non-Categorical Use of Force investigations shall be reviewed by Area/division commanding officers or the acting commanding officer within 14 calendar days of the incident. Investigations not reviewed within the 14 *calendar*-day time frame require a written explanation on the Non-Categorical Use of Force Internal Process Report (IPR). Upon Area/division commanding officer approval, the IPR shall be forwarded to the bureau immediately.

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245. EMPLOYEE - INVOLVED USE OF FORCE INCIDENTS.

245.05 CATEGORIES AND INVESTIGATIVE RESPONSIBILITIES FOR USE OF FORCE. A reportable use of force incident is classified as either a Categorical Use of Force (CUOF) or a Non-Categorical Use of Force (NCUOF). Categorical *Uses of Force* are outlined in Department Manual Section 3/794.10, Categorical Use of Force Investigations. Force Investigation Division (FID) is responsible for the investigation of all CUOF incidents. All other reportable uses of force are classified as NCUOF incidents, including any *use of force to the neck of the person that does not rise to a CUOF*, or any unintentional head strike(s) with an impact weapon or device which does not result in serious bodily injury, hospitalization or death, and is approved to be handled as a NCUOF by the Commanding Officer, FID. Advice regarding the reportability or categorization of a use of force should be requested from FID or Critical Incident Review Division (CIRD) directly or via the Department Operations Center (DOC).

Non-Categorical Use of Force Incident – Defined. A NCUOF is defined as an incident in which any on-duty or off-duty Department employee whose occupation as a Department employee is a factor, uses physical force or a control device to:

- Compel a person to comply with the employee's direction;
- Defend oneself;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Note: A K-9 contact is when a Department K-9 makes forcible contact with a person other than a bite which results in complained of or visible *injury* (*Department Manual section 3/792.05, Note*).

A K-9 bite or contact is not a reportable use of force if the K-9 bite or contact is inadvertent or accidental and does not occur during an active search/tactical deployment. In all such instances, an incident investigation shall be conducted by the K-9 supervisor to determine and document the cause and appropriate action. The findings of the investigation shall be documented on an Intradepartmental Correspondence, Form 15.02.00, by the involved division and submitted to the employee's chain of command for review and filing.

A K-9 bite or contact is a reportable use of force if the K-9 bite or contact occurs during a search/tactical deployment even if the bite or contact are inadvertent or accidental. An involved K-9 handler shall receive a finding of the use of force when the handler directs the K-9 to use force in a directed deployment, or when the handler, upon becoming aware of the bite or contact, does not immediately recall the K-9 following the K-9's initiation of a contact or bite.

Note: It is the policy of the Department that personnel may use only that force which is objectively reasonable.

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The following incidents are **not** reportable NCUOF incidents:

- Any incident investigated by FID (Department Manual Section 3/794.10);
- The use of a C-grip, firm grip, joint lock, *joint lock walk-down, push, pull, or bodyweight* which does not result in an injury or complained of injury to the subject;
- *A push or baton push used by an officer working in an organized squad directly involved in a crowd control mission that does not result in injury or complained of injury to the subject; and,*
- *The tactical discharge of a projectile weapon (e.g., beanbag shotgun, 37mm or 40mm projectile launcher, or Compressed Air Projectile System), electronic control device (TASER), or any chemical agent that does not make contact with an individual.*

Note: *A tactical discharge is defined as any projectile from a less lethal control device launched with the intent to gain a tactical advantage by creating a distraction, removing obstacles, or altering the environment, and not directed at an individual (e.g., use of a baton or beanbag shotgun to break a window, or deployment of a chemical agent during a barricaded suspect incident).*

Tactical discharges shall be reported on an Employee's Report, Form 15.07.00, and submitted to the employees commanding officer for review and appropriate action. After all risk management, misconduct, or policy issues are identified, the Employee's Report shall be forwarded to CIRD for review and retention. A copy can be forwarded to CIRD@lapd.online.

245.10 REPORTING A NON-CATEGORICAL USE OF FORCE INCIDENT.

Employee's Responsibilities. An employee who becomes involved in a reportable Non-Categorical Use of Force (NCUOF) incident shall:

- Notify a supervisor without delay;
- The author of the report shall report the full details of the use of force incident in the related Department arrest or *investigative* report;
- Use an Employee's Report, Form 15.07.00, to report the full details of the use of force incident when an *investigative* or arrest report is not required;
- Document the name of the investigating supervisor in the related arrest or *investigative* report, or Employee's Report, under the heading "Additional;" and,
- Ensure that all descriptions of suspects' actions and officers' actions are in plain language (versus "aggressive/combative," or *other conclusory language that does not specifically describe what the suspect was doing*).

Off-duty employees who become involved in a reportable use of force incident in which the employee's occupation as a Department employee is a factor shall notify their supervisor or watch commander without unnecessary delay. Notification shall be made to the Department Operations Center when the employee's location of assignment is closed.

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Note: Off-duty employees completing use of force related reports shall submit a copy to their supervisor no later than their next regularly scheduled tour of duty.

Investigating Supervisor's Responsibilities. When a NCUOF incident occurs, an uninvolved supervisor from the employee's command (or from the nearest Area when either the employee's command is closed [*e.g., the employee works in an administrative assignment where there is no on-duty supervisor*], or the employee's supervisor is not available to respond) shall be assigned to conduct the NCUOF investigation.

Generally, a supervisor who witnessed a NCUOF incident should not conduct a use of force investigation. However, the watch commander may make exceptions on a case-by-case basis, based on exceptional operational needs. The watch commander shall document the exceptional operational need in a Watch Commander's Daily Report, Form 15.80.00. Any supervisor who is involved in the use of force incident is not permitted to conduct the investigation.

Note: An involved supervisor is defined as a supervisor who used force, monitored the officer's actions and/or was in a position to intervene if necessary, provided guidance or direction during the use of force, or participated in the on-scene planning or directing related to the incident.

The supervisor assigned to conduct the investigation shall:

- Respond and conduct an on-scene investigation;

Exception: When an on-scene investigation is impractical due to exigent circumstances, such as a hostile group or an off-duty employee's distance from the City, the supervisor shall consult with their watch commander or officer in charge and arrange for a reasonable alternative.

- Collect and preserve all *relevant* evidence and canvas the scene to locate witnesses, when appropriate;
- Document the vantage point of officers and witness(es), as well as any part of the force observed for Level I incidents;
- Conduct independent interviews with all involved and witnessing Department employees, non-Department witnesses, and the person(s) against whom force was used (group interviews are prohibited). Supervisors shall activate their Body Worn Video (BWV) when interviewing all non-Department witnesses during all NCUOF investigations, except as specified below;
 - A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
 - In the supervisor's judgement, a recording would interfere with their ability to conduct an investigation, or may be inappropriate, because of the witness' physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);

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- Situations where recording would risk the safety of a confidential informant or citizen informant; or,
- Inpatient care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

Note: If a supervisor's BWV was not activated, an explanation shall be provided in the NCUOF *investigation*.

- Determine an initial classification of the NCUOF as either a Level I, Level II, *or Level III* incident;
- Review all audio and video recordings of the use of force and state in the report that recordings were reviewed;
- Identify the time frames relevant to the use of force and electronically "bookmark" the relevant portions for subsequent reviewers;
- For Level I investigations, electronically record the statements of the subject of the use of force and *all* non-Department witnesses;

Note: If during the course of the investigation by Area personnel, a NCUOF incident is reclassified from a Level II *or Level III* to a Level I incident, the investigating supervisor shall attempt to re-interview and electronically record the statements of the subject of the use of force and of non-Department witnesses, if not done during the initial investigation. If unable to re-interview and/or record the interview at that time, an explanation of what attempts were made to re-interview the parties *is* required.

- Verify whether all statements are consistent with the arrest report or related reports;
- Identify and document any inconsistencies or conflicts between the accounts of the officers, the suspect(s), and/or the witness(es), and attempt to resolve those differences;
- Review any related *investigative* and/or arrest report or Employee's Report, to ensure that the related reports contain a complete account of the incident. A Follow-up Investigation, Form 03.14.00, may be used to make any necessary corrections to the related report(s) or to provide additional information; *and*,
- *Review all the related arrest reports of the NCUOF incident prior to end of watch.*

Note: The supervisor who conducts the NCUOF investigation shall not approve any of the related report(s).

- Utilize the Use of Force System (UOFS) to complete the NCUOF Report; and,
- Forward the completed NCUOF Report along with all related reports, to the watch commander/officer-in-charge (OIC).

Note: Generally, a NCUOF Report should be initiated in the UOFS before the investigating supervisor's end of watch. This requirement will be satisfied when the investigating supervisor generates a UOF case number. However, complex incidents or exigent circumstances may require additional time.

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Multiple NCUOF incidents can be captured in one NCUOF Report case number (e.g., NCUOF during the arrest and a separate NCUOF during booking of the same subject). Additionally, multiple NCUOF incidents involving multiple subjects during one incident can also be reported in a single NCUOF Report, especially if the incident is documented in one arrest report narrative.

Watch Commander's Responsibilities. A watch commander *or* OIC reviewing a NCUOF investigation shall document their insight in the "Findings" section of the NCUOF Report. As part of this evaluation, watch commanders/OICs shall:

- Evaluate each force option used by each officer and determine if it was *objectively* reasonable based on the actions of the subject of force (i.e., suspect);
- Evaluate the officer's tactical de-escalation *efforts* and provide a rationale if tactical de-escalation was not feasible;
- *Ensure that all relevant tactical, use of force, and policy issues are addressed, including the proportionality of the force used, the aid rendered, the requirement to intercede when excessive force is observed, and the requirement to provide a verbal warning when feasible;*
- Ensure that all supervisors are interviewed regarding their actions at the scene during the incident;
- Evaluate the actions of each of these supervisors and the existence and effectiveness of supervisory command and control;
- Level I issues need to be identified and addressed in the "Insight" section, such as how the inconsistencies or conflicts were resolved (e.g., independent witnesses corroborated the officer's or subject's account, a lack of injuries one would expect to see with the force reported by the subject, or video/audio corroborated or refuted the subject's allegation); and,
- Review the relevant recordings of the incident "bookmarked" by the investigating supervisor and certify that this has been completed.

Note: Reviewers at each level are required to review and certify that they have reviewed all bookmarked recordings of the incident.

Authority to Approve Reports. Non-Categorical *Use of Force* investigations and any related report(s) (i.e., the *investigative* and/or arrest report or Employee's Report), **shall be approved by an on-duty watch commander/OIC or a designee of supervisory rank.**

Note: The watch commander/OIC approving the use of force investigation is not required to be the same watch commander/OIC who reviewed and approved the related report(s). Generally, the involved Department employee's chain of command will conduct and approve the use of force investigation.

Example: Officers from Metropolitan (Metro) Division submit an arrest report to the watch commander, Area of occurrence, while the Metro supervisor assigned to investigate the related use of force submits the completed investigation to their Metro OIC.

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245.11 NON-CATEGORICAL USE OF FORCE REPORTING LEVELS. All Non-Categorical Use of Force (*NCUOF*) incidents shall be initially classified by the investigating supervisor as either a Level I, Level II, or *Level III* incident.

Level I Incident. An *NCUOF* shall be reported as a Level I incident under the following circumstances:

1. An allegation of unauthorized force is made regarding the force used by a Department employee(s); or,
2. The force used results in a serious *bodily injury, as defined by California Penal Code Section 243(f)(4)*:
 - *Loss of consciousness;*
 - *Concussion;*
 - *Bone Fracture;*
 - *Protracted loss of impairment of function of any bodily member or organ;*
 - *A wound requiring extensive suturing; and,*
 - *Serious disfigurement.*

Note: If the investigating supervisor is unable to verify the seriousness of an injury or complained of injury, it shall be reported as a Level I incident. If the injury requires admission to a hospital, the incident becomes a Categorical Use of Force and will be investigated by Force Investigation Division (*FID*).

3. The injuries to the person upon whom force was used are inconsistent with the amount or type of force reported by involved Department employee(s); or,
4. *Any use of force to the neck of the person that does not rise to a Categorical Use of Force; or,*
5. Accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account; or,
6. *Body Worn Video, Digital In-Car Video, third-party video, or other physical evidence substantially differs from the involved employee(s) account; or,*
7. *Any unintentional (inadvertent or accidental) head strike(s) with an impact weapon or device, which does not result in serious bodily injury, hospitalization or death, and is approved to be handled as a NCUOF by the Commanding Officer, FID.*

Level II Incident. A *NCUOF* shall be reported as a Level II incident under any of the following circumstances:

- *The force used included any less-lethal munitions (Bean Bag Shotgun, 40mm Less-Lethal Launcher, TASER, Oleoresin Capsicum Spray, and/or baton) that contact a suspect or their clothing;*
- *A K-9 Bite or K-9 Contact that does not require hospitalization;*
- *Strike, punch, elbow;*

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- *Kick, knee strike, or leg sweep; or,*
- *Any takedown.*

***Note:** Any of the above uses of force that result in serious bodily injury (as defined above) shall be investigated as a Level I incident.*

***Level III Incident.** A NCUOF shall be reported as a Level III incident under any of the following circumstances:*

- *Any wrist lock, joint lock, C-grip, firm grip, walk down, push, pull, or bodyweight that results in an injury or complained of injury to the subject, excluding injuries that would be reportable as a Categorical Use of Force, or a Level I use of force;*
- *The discharge of a projectile weapon (e.g., beanbag shotgun, 37mm or 40mm projectile launcher or Compressor Air Projectile System), electronic control device (TASER), or OC Spray that does not make contact with an individual or their clothing, excluding tactical discharges, as defined in Department Manual Section 4/245.05; or,*
- *Any use of force in a crowd control situation to include any discharge of a projectile weapon, baton strike, punch, elbow strike, kick, knee strike, leg sweep, takedown, or the use of chemical agents, including OC on a crowd as a whole, which does not go beyond the mission of the skirmish line, excluding injuries that would be reportable as a Categorical or Level I Use of Force.*

***Note:** Any use of force in a crowd control situation where officer(s) become involved in an isolated incident with an individual which goes beyond the mission of the skirmish line shall be reported at the appropriate level (Level I, II, or III). An example of such an isolated incident would be when an officer leaves the skirmish line and uses reportable force to effect an arrest on a person who is behind the skirmish line committing vandalism on a police vehicle.*

***Note:** The use of chemical agents, including OC on a crowd as a whole, during crowd control situations shall be approved by a commander or above.*

245.12 COMPLETING THE NARRATIVE. *The following shall be included in all Non-Categorical Use of Force (NCUOF) investigations:*

- 1. WITNESS STATEMENT(S).** Supervisors shall interview the subject of *the use of* force, witnesses, and all Department employees who either witnessed and/or were involved in the incident. A **brief** written summary of the statement provided by the subject of the use of force and/or any witness is only required under this heading **if**:

- The interview was not recorded (not applicable to Department employees); or,
- The person's account of the use of force substantially conflicts with the involved employee(s) account.

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Example: “Gregory Jones. This witness stated that he saw a female officer strike the suspect with a closed fist. The involved officers stated that *she* did not strike the suspect at any time.”

Recording Witness Statements. *Supervisors shall activate their Body Worn Video (BWV) when interviewing all non-Department witnesses during all NCUOF investigations, except in the following circumstances:*

- *A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;*
- *A recording would interfere with their ability to conduct an investigation, or may be inappropriate, due to the witness or victim’s physical condition, emotional state, age or other sensitive circumstance (e.g., a victim of sexual assault or incest);*
- *An incident where recording would risk the safety of a confidential or citizen informant; or,*
- *Patient treatment areas of a hospital, sexual assault treatment center, or other healthcare facility, unless an enforcement action is taken in these areas.*

Note: *If a supervisor’s BWV was not activated, an explanation shall be documented in the NCUOF investigation, with a reason for the lack of activation. If a supervisor is not equipped with BWV, they shall record the statements of the subject of the use of force and non-Department witnesses via a Department-issued digital recorder or other appropriate means and either attach the recording to the NCUOF investigation or book the recording at Technical Investigation Division (TID). If a person refuses to provide a statement, this shall be documented in this section. An attempt shall still be made to obtain the witness’ identifying information.*

Recording interviews with Department employees is not required. The related *investigative* and/or arrest report or Form 15.07.00, will serve as documentation of the involved Department employee(s) statement.

Consistent Statements. *Supervisors shall indicate in the NCUOF report if the statements provided by the subject, non-Department witnesses, and Department witnesses were consistent with the events described in the arrest, investigative, or employee report documenting the incident.*

Example: “The statements provided by the following witnessing Department employees – Officers Nuno, Blake and Ramirez - were consistent with the incident as depicted in the arrest report.”

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- 2. INJURIES/MEDICAL TREATMENT.** Document all visible and complained of injuries, including any medical treatment provided. All individuals receiving medical treatment shall be asked to sign an Authorization to Release Medical Information, Form 05.03.00. If they refuse, the appropriate box shall be checked on the Non-Categorical Use of Force Report. If an individual is **unable** to sign the Authorization to Release Medical Information Form, supervisors shall explain why in this section (e.g., "Under the influence, psychological evaluation hold," etc.). If an individual is a juvenile (below 18 years of age) and the individual is not an emancipated minor, an officer shall provide the Authorization to Release Medical Information Form to the juvenile's parent or legal guardian. The juvenile's parent or legal guardian shall be asked to sign the Authorization to Release Medical Information Form on behalf of the juvenile and *mark the corresponding box.*

Medical Release Obtained. If a signed Authorization to Release Medical Information Form is obtained, Department personnel shall *attempt to* collect the necessary injury and medical information in accordance with Manual Section 4/648. This includes attempting to collect and verify treatment information relevant to the use of force based on interviews with medical personnel.

Medical Release Not Obtained. Federal law now limits access to an individual's medical history and treatment information. Therefore, if a signed Authorization to Release Medical Information Form is **not** obtained, supervisors **shall not ask medical personnel** for injury and treatment information pertaining to an individual upon whom force was used. Rather, supervisors shall attempt to collect medical information based on personal observations and/or statements from the subject of the use of force, the involved employee(s), and non-medical witnesses. Supervisors shall only collect the medical information necessary to complete the use of force investigation.

Supervisors shall document medical treatment information on the face sheet of the Non-Categorical Use of Force Report and check the appropriate box to indicate the source of the information (i.e., "*Verified*" or provided by medical personnel; "*Observed*" and reported by (non-medical) witnesses and/or Department employees; or "*Reported*" by the subject of force. Only one box shall be checked. If verified information cannot be obtained, "*Observed*" is the next most desirable option, followed by information reported by the subject of the use of force.

Generally, it is permissible for Department employees to obtain medical information they may overhear or observe, as a bystander, if there is a legitimate law enforcement reason for their presence at the location (e.g., if a suspect in custody requires medical treatment, an officer may reasonably accompany them during treatment). In such cases, information overheard from a treating physician shall be reported as "*Verified*," and an explanation as to how the information was collected shall be provided. In all cases, supervisors shall document their efforts to obtain medical information in this section.

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Example: “The suspect declined to sign an Authorization to Release Medical Information Form. However, Officer Jones stated that he heard the suspect advise Fire Department personnel that he believed his left arm was broken. According to Officer Jones, the suspect stated to him that he believed he may have injured his arm in an attempt to avoid handcuffing. I arrived at the hospital and observed the suspect with a cast on his left arm.” (In this case, supervisors would list “Possible Broken Arm” on the Non-Categorical Use of Force Report face sheet and check off “Observed.”)

Regardless of whether a signed Authorization to Release Medical Information Form is obtained, supervisors shall ask the subject of the use of force if, and how, *they were* injured; and document the response in this section. Any documentation of medical treatment obtained by Department employees shall be listed under “Addenda” and attached to the Non-Categorical Use of Force Report.

Note: Due to potential criminal and civil liability issues, Department employees shall not accept any medical documentation regarding the subject of the use of force unless a signed Authorization to Release Medical Information Form is obtained.

- 3. VIDEO EVIDENCE AND REVIEW.** *Investigating supervisors shall identify Body Worn Video (BWV), Digital In-Car Video (DICV), other Department video, and/or third-party video that captured a portion of the NCUOF. Investigating supervisors shall take all reasonable steps to secure third-party video and ensure all video is properly retained.*

Level I and Level II Incident. *The investigating supervisors shall review and document all videos related to the incident and identify the relevant portions of each video.*

Level III Incident. *The investigating supervisor shall review only the relevant portions of video sufficient to appropriately classify the Level III incident. All videos identified shall be reviewed and documented.*

Those who subsequently review and adjudicate the matter shall review the relevant portions of the video, identified by the investigating supervisor, sufficient to make an informed recommendation or adjudication.

Note: *An investigating supervisor or subsequent reviewer/adjudicator may view any and all video necessary to properly investigate, make a recommendation, or adjudicate a Level III NCUOF incident.*

- 4. PHOTOGRAPHS AND OTHER EVIDENCE.** Photographs should be taken and included in all Non-Categorical Use of Force (NCUOF) investigations. If a photograph is impractical (e.g., the subject of the use of force refuses to be photographed, etc.), an

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explanation shall be documented in the NCUOF report. Information related to photographic evidence should be documented in the Scene Canvassed for Physical Evidence section. Investigating supervisors are to ensure photographs are taken of the following:

- The subject of the use of force to document visible injury and any complained injury locations. Absent unavoidable circumstances, *Technical Investigation Division (TID)* staff shall take photographs if required of exposed breasts, buttocks, or genitalia;

Note: Photographs should always be taken of the impact locations when less lethal devices are used.

- Department employees to document visible injury and location of any complained of injury resulting from the NCUOF incident or any evidence such as damaged equipment or torn uniform items;
- The scene of the incident and evidence collected if it is relevant to the use of force and/or sustained injuries;
- The vantage point of a witness when it may prove useful in resolving conflicting statements between witnesses as it relates to the use of force; and,
- Additional photographs may be taken at the discretion of the investigating supervisor for evidentiary purposes. This includes cases where a criminal filing may be sought, such as battery against a police officer.

Note: *Investigating supervisors may use photographs/screen captures obtained through BWV and/or DICV.*

Photographs taken with a digital camera by Department employees will suffice for recording Level III, Level II, and Level I investigations; although photographs taken by TID are preferred for Level I investigations. All photographs, including those taken by TID, should be attached and listed individually in the Addenda and Attachments Sections of the NCUOF Report. A brief description of each photograph shall be included in this section. Photographs taken by TID shall reflect the appropriate reference number obtained from TID. Compact discs containing photographs shall be placed in an envelope and the envelope marked with the corresponding reference number.

Note: *Investigating supervisors may use the cameras on Department-issued cell phones to capture photographs for their NCUOF investigations.*

- 5. INVESTIGATING SUPERVISOR'S NOTES.** Supervisors shall use this heading to address substantial conflicts and/or discrepancies between statements provided by a witness or the subject of the use of force and statements provided by involved Department employees. To assist in the evaluation of these differences, supervisors shall attempt to establish each witnesses' vantage point when they observed the use of force, as well as any other variables such as time of day, lighting, weather conditions, noise level, or traffic patterns.

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Requirements for Witnessing Investigating Supervisor. Investigating supervisors who witnessed the incident shall summarize their observations in this section and list themselves as a witness under “Witnesses/Non-Involved Employee Witnesses” on the Non-Categorical Use of Force Report.

Verbal Warning Requirements. Department employees are *required to provide a verbal warning prior to using force, when feasible*. This section shall be used to document the name of the employee giving the warning and what was said. Likewise, in cases where a warning was *required but* not given, supervisors shall provide an explanation here.

Any other information relevant to the investigation that does not fall under the previous headings may be documented in this section.

6. **ADDENDA.** Supervisors shall numerically list all addenda items (attachments) to the Non-Categorical Use of Force Report (e.g., 1. Arrest Report, *Form 05.02.00*, 2. Vehicle Impound Report, *Form CHP 180*, 3. Authorization for Release of Medical Information, *Form 05.03.00*, etc.) and include a brief description of each item. The number that corresponds to the listed item shall be written in red pen or pencil on the lower right corner of each attached document.

Narrative Exceptions: The process for documenting/reporting Level II *and Level III* incidents shall mirror that of a Level I incident, with the following exceptions:

- The requirement for an “Incident Overview” is eliminated; and,
- The requirement to document any witness statements in the narrative of the Non-Categorical Use of Force Report is eliminated.

Note: The related crime and/or arrest report or Form 15.07.00 will serve as documentation of statements for the subject of the use of force, witnesses, and involved Department employees. Any discrepancies between statements shall still be addressed in “Investigating Supervisor’s Notes.”

NON-CATEGORICAL USE OF FORCE REPORT

DR No.

☐ Level I ☐ Level II ☐ Level III

Date of Incident	Day of Week	Time	Location of Occurrence	RD
Date & Time of this Report		Officer's Area/Division of Assignment		Area/Division of Occurrence

SUSPECT

Last Name, First, M.I.	Sex	Desc	Ht	Wt	DOB	Age	Bkg. No.	Arrest Charge	Connected Reports
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Media No.	Interviewer Name	Serial No.	Date	Time	Location of Interview
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☐ Suspect interviewed separately.

Suspect's injury(s) related to UOF: Check all that apply. Medical Release Form: ☐ Signed/Attached ☐ Refused

☐ C - Complained of ☐ D - Dislocation ☐ F - Fractures ☐ V - Visible ☐ O - Other ☐ N - None ☐ U - Unknown

Document injuries related to use of force, medical treatment provided, by whom and name of medical provider (e.g., medical facility).

☐ Verified ☐ Observed ☐ Reported by Suspect (Check one box only.)Suspect's injury(s) unrelated to UOF, i.e., traffic collision (Use Injuries/MT section if additional space is needed)

Hospitalized (unrelated to the UOF)

☐ Verified ☐ Observed ☐ Reported by Suspect (Check one box only.)☐ Yes ☐ No

EMPLOYEES USING FORCE (Use continuation sheet if needed. List partner officer not using force under WITNESSES below.)

Name (Last, First, M.I.)	Serial No.	Area/Div Detail	Sex	Desc	Ht	Wt	Age	In Uniform	Vest	On Duty	Injured (Y/N)	IOD (Y/N)	Light Duty (Y/N)

WITNESSES/NON-INVOLVED EMPLOYEE WITNESSES (If witness not interviewed separately, explain on PAGE 3.)

Last Name, First Name, Middle Initial	DOB	Address and ZIP Code or Area and Unit of Employee's Assignment	Phone No.
D.L. No. or Serial No.	<input type="checkbox"/> This witness interviewed separately. Name/Serial No. of Supervisor Interviewing/Date/Time/Location of Interview		Media No.
Last Name, First Name, Middle Initial	DOB	Address and ZIP Code or Area and Unit of Employee's Assignment	Phone No.
D.L. No. or Serial No.	<input type="checkbox"/> This witness interviewed separately. Name/Serial No. of Supervisor Interviewing/Date/Time/Location of Interview		Media No.
Last Name, First Name, Middle Initial	DOB	Address and ZIP Code or Area and Unit of Employee's Assignment	Phone No.
D.L. No. or Serial No.	<input type="checkbox"/> This witness interviewed separately. Name/Serial No. of Supervisor Interviewing/Date/Time/Location of Interview		Media No.

☐ I have reviewed all reports related to this use of force.☐ I was not involved in this use of force.☐ I have interviewed all involved Department employees separately.

Investigating Supervisor	Serial No.	Date
Watch Commander/OIC Approving	Serial No.	Date
Area/Division Training Coordinator	Serial No.	Date
Area/Division C/O Approving	Serial No.	Date

CONTROL OF SUBJECT

Last UOF that controlled the suspect: _____

Secondary Restraint Device Used? ☐ Yes ☐ No If yes, list device used _____

Part of body restrained by Secondary Restraint Device?

☐ Ankles ☐ Knees ☐ Elbows ☐ Other _____Placed in upright seated position? ☐ Yes ☐ No (If no, explain in narrative.)

Time restrained with Secondary Restraint Device: _____

USE OF FORCE WARNINGWas a warning given? ☐ Yes ☐ No

Under **Investigating Supervisor Notes** heading in narrative, document warning given and name of warning officer, or provide an explanation if warning was required and not given.

SOURCE OF ACTIVITY

(Check all that apply.)

- ☐ Observed
☐ Radio Call
☐ Citizen Call
☐ Station Call
☐ Other _____

TYPE OF ACTIVITY

(Check all that apply.)

- | | |
|---|--|
| <input type="checkbox"/> Suicidal | <input type="checkbox"/> 415 |
| <input type="checkbox"/> Crime in Progress | <input type="checkbox"/> DUI |
| <input type="checkbox"/> Handling Suspect | <input type="checkbox"/> PCP |
| <input type="checkbox"/> Ground Grappling | <input type="checkbox"/> Other Drugs |
| <input type="checkbox"/> Gang | <input type="checkbox"/> Mental Illness |
| <input type="checkbox"/> Family Dispute | <input type="checkbox"/> Alcohol |
| <input type="checkbox"/> Assault on Citizen | <input type="checkbox"/> Ambush |
| <input type="checkbox"/> Assault on Officer | <input type="checkbox"/> Foot Pursuit |
| <input type="checkbox"/> Neighbor Dispute | <input type="checkbox"/> K-9 Search |
| <input type="checkbox"/> Business Dispute | <input type="checkbox"/> Traffic Violation |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Vehicle Pursuit |

Mobile Field Force Related? ☐ Yes ☐ No**TYPE OF FORCE USED (Check all that apply.)****JOINT LOCKS**

- ☐ Wrist Lock
☐ Twist Lock
☐ Other _____

MOTION

- ☐ Firm Grip or C/Grip
☐ Miscellaneous Physical Force
☐ Block
☐ Kick
☐ Punch
☐ Leg Sweep
☐ Distraction Strike
☐ Takedown (_____)
☐ Lateral Head Displacement
 (during handcuffing technique)
☐ Bodyweight
☐ Baton Technique
☐ Other (_____)

DEVICE

- ☐ Side-Handle Baton
☐ Expandable Side-Handle Baton
☐ Collapsible Straight Baton
☐ Straight Baton
☐ Other _____
☐ K-9 Bite/Contact

BODY AREA AFFECTED

- ☐ Arms/Hands
☐ Torso
☐ Neck
☐ Chest/Back
☐ Legs/Feet
☐ Head
☐ Other _____

CHEMICAL AGENT

Brand of Spray _____

Model _____

Manufacture date _____

OR

Expiration date _____

Number of times

sprayed _____

Distance _____ Duration _____

1st _____ FT. _____ SEC.

2nd _____ FT. _____ SEC.

3rd _____ FT. _____ SEC.

Struck Suspect? (Y/N)

1st _____ 2nd _____ 3rd _____

Was spray effective?

☐ YES ☐ NO

If no, why not?

Residual effects on officers _____

TASER

Number of cartridges fired _____

Distance to suspect (in feet)

1st _____ 2nd _____ 3rd _____ 4th _____

Round Struck Suspect? (Y/N)

1st _____ 2nd _____ 3rd _____ 4th _____

Skin penetrated? ☐ YES ☐ NO

Time for TASER to arrive at scene: _____ Min.

Was TASER effective? ☐ YES ☐ NO

If no, why not?

TASER No. _____ Brand _____

Type _____

☐ **BEANBAG SHOTGUN**☐ **OTHER LESS LETHAL DEVICE(S)** _____

Number of Less Lethal Device(s) rounds fired _____

Distance to suspect (in feet)

1st _____ 2nd _____ 3rd _____ 4th _____ 5th _____ 6th _____ 7th _____

Round Struck Suspect? (Y/N)

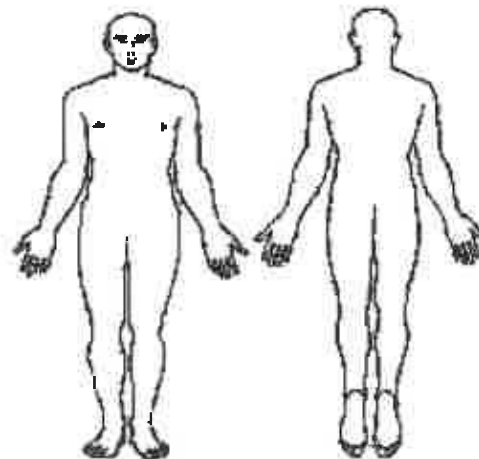
1st _____ 2nd _____ 3rd _____ 4th _____ 5th _____ 6th _____ 7th _____

Skin penetrated? ☐ YES ☐ NO

Time for Less Lethal Device to arrive at scene: _____ Minutes

Was it effective? ☐ YES ☐ NO

If no, why not?



Use the following codes: BB- Beanbag, T - TASER, CA - Chemical Agent
 Show Dart / Beanbag S/G point of contact and indicate (BB-1, BB-2, BB-3, etc.)
 Shade other device(s) such as Chemical Agent

AREA CANVASSED FOR WITNESSES AND EVIDENCE. Include scope of search and evidence located. If unable to locate witnesses, explain.

WITNESSES NOT INTERVIEWED SEPARATELY. List all employees/ witnesses/ suspects that were not interviewed separately, and explain.
Use Continuation Sheet if necessary.

INCIDENT OVERVIEW (For Level I incidents only). Without offering opinion or conclusions, briefly summarize the incident and/or any relevant actions that preceded or followed the incident, to include techniques and tactics used by involved employee(s).

I/O Notes (Use this area to identify any issues and or pertinent information associated with this case.)

W/C Insight (Identify training issues and list any corrective action if necessary.) Use Continuation Sheet if necessary.

Area/Division Training Coordinator (Identify training issues and list any corrective action if necessary.)

Area Commanding Officer (Review and ensure identified training issues and corrective actions are addressed.)