792. ADJUDICATION OF CATEGORICAL USE OF FORCE INCIDENTS. This section can also be found on LAPD Local Area Network (LAN) under the TacOps tab on the home page.

792.05 DEFINITIONS

**Categorical Use of Force:** A CUOF is defined as:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody death);
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or LERI;
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and results in serious bodily injury, hospitalization or death;
- All other unintentional head strikes shall be investigated as Level I NCUOF incidents;
- Officer-involved animal shootings and non-tactical unintentional discharges;
- An incident in which a member of the public has contact with a Department canine and hospitalization is required. Under Department policy, a canine contact is not a use of force but has been included in this category to satisfy the provisions of the Consent Decree; and,
- Incidents where the Department has agreed to conduct similar critical incident investigations for Department Arson Unit.

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes,

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

**Substantially Involved:** The term “substantially involved” includes the employee(s) applying force or who had a significant tactical or decision making role in the incident.

**72–Hour Brief:** The briefing for the Chief of Police (COP) and other concerned command staff regarding the preliminary information about a CUOF incident.

**General Training Update:** Standardized training provided by Training Division personnel, to personnel involved in a CUOF incident. The General Training Update is not an inquiry into the specific details of the CUOF. The intent of the update is to provide involved personnel with standardized training material in the tactical issues and actions readily identified in the CUOF incident as well as an update on the Use of Force policy. Training should be provided as soon as practicable.

**Note:** Refer to Department Manual Section 3/796.35 for requirements for the General Training Update.

**Tactical Debrief:** The collective review of an incident to identify those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance. The Tactical Debrief is conducted by the Categorical Use of Force Debrief Facilitator.

**Categorical Use of Force Debrief Facilitator:** A Categorical Use of Force Debrief Facilitator must be a Department recognized expert appointed by the COP to conduct the Tactical Debrief of involved personnel.

**Accidental Discharge:** The unintentional discharge of a firearm as a result of an accident such as a fire operator error.

**Administrative Disapproval - Negligent Discharge:** Finding, where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule.

**Unintentional Discharge:** The unintentional discharge of a firearm regardless of cause. Unintentional discharge is the accidental discharge of a firearm as a result of an accident such as a fire operator error.
Discharges” or “Negligent Discharges.”

**Drawing and Exhibiting and/or Use of Force - Administrative Disapproval - Out of Policy:** Finding actions of the employee relative to drawing and exhibiting a firearm or use of force were not within the Department’s policy.

**Drawing and Exhibiting and Use of Force - In-Policy – No Further Action:** Finding, supported by a preponderance of the evidence that the actions of the employee relative to drawing and exhibiting a firearm or use of force were within the Department’s policies.

**Tactics - Administrative Disapproval:** A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training.

**Tactics – Standard Debrief:** A finding that no action beyond the Tactical Debrief and General Training is necessary.

**Extensive Retraining:** Formal training on identified areas or concerns completed by Training Division, Tactics or Administrative Disapproval - Out of Policy on Drawing and Exhibiting or Use of Force.

### 792.06 CATEGORICAL USE OF FORCE INVESTIGATION ADMINISTRATIVE STATUTE DEADLINE

When a Categorical Use of Force Investigation (CUOF) is properly reviewed and adjudicated in a timely manner, the Chief of Police shall submit all CUOF recommended administrative findings to the Board of Police Commissioners (BOPC) by administrative statute deadline, which is 60 calendar days prior to the administrative statute date. If the statute date is amended due to tolling, the Commanding Officer (CO), Critical Incident Review Division (CIRD), shall provide the BOPC with the amended statute date. The Chief of Police will submit correspondence to the BOPC, detailing the recommended administrative findings by the administrative statute deadline, unless sufficient cause exists for an extension of that deadline.

**CRITICAL INCIDENT REVIEW DIVISION’S RESPONSIBILITIES.** When Force Investigation Division (FID) completes its investigation, CIRD shall conduct a review and cause a Use of Force Review Board (UOFRB) to be convened in accordance with Department Manual Section 562.092.50, Responsibilities. The UOFRB will submit its recommendations to the Chief of Police. The Chief of Police will review the recommended administrative findings by the administrative statute deadline, unless sufficient cause exists for an extension of that deadline.

Grounds for such extension are as follows:

- The FID investigation has not been completed within 125 calendar days prior to the administrative statute deadline; or,
- Critical Incident Review Division; the Director, Office of Support Services; or the Chief of Police identifies a need for additional or supplemental investigation.

When a delay is anticipated, the CO, CIRD, shall provide the BOPC with an explanation for the extension and an estimated completion date.

### 792.10 PROCEDURE

**Categorical Use of Force Adjudication Findings.** Tactics, drawing and exhibiting a firearm, and use of force shall be evaluated during the CUOF adjudication process. The Use of Force Review Board (UOFRB) shall convene and evaluate the CUOF incident. The UOFRB will make recommendations to the Chief of Police. The Chief of Police shall evaluate the CUOF incident and report his/her recommendations to the Board of Police Commissioners. The Board of Police Commissioners will evaluate the CUOF incident and make findings consistent with the following:

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**792.15 Tactical Debrief.** *A Tactical Debrief shall be conducted for all CUOF incidents within 90 calendar days of the conclusion of the BOPC review process.*

During the adjudication process, the UOFRB, COP, and BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Critical Incident Review Division (CIRD) shall compile the list of issues to be debriefed and provide it to the CUOF Debrief Facilitator.

The Categorical Use of Force Debrief Facilitator shall conduct the Tactical Debrief with the personnel involved in the CUOF incident. The Categorical Use of Force Debrief Facilitator will present those tactical practices identified by the adjudication process as lessons learned so that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall provide training in the areas of drawing and exhibiting a firearm and use of force.

**Note:** The Commanding Officer, CIRD, shall coordinate the Tactical Debrief Facilitation process.

The Tactical Debrief analysis will be summarized on an Intradepartmental Correspondence, Form 15.02. and Force Investigation Division to collect and analyze the results to further enhance adjudication, training analysis shall not focus on or document findings, recommendations, or analysis of individual empl

In some circumstances, the UOFRB, COP, or BOPC may identify additional specific individual training needs for employees not identified during the 72-hour review. In those cases, training shall be provided in addition to the Tactical Debrief. The intent of the additional training is to enhance future performance and is not to be considered punitive.

The Categorical Use of Force Debrief Facilitator shall ensure that the Tactical Debrief is recorded on the involved employees create a Training Management System code for the Tactical Debrief.

**792.20 Administrative Disapproval (Tactics, Drawing and Exhibiting or Use of Force).** When the UOFRB recommends or the COP finds that an employee’s actions (tactics, drawing and exhibiting, or use of force) should be classified as “Administrative Disapproval,” recommended remedial actions and state why they expect that the remedial actions will reduce the risk of the officer repeating the disapproved behavior. Such remedial actions may include:

- Completion of Extensive Retraining;
- Notice to Correct Deficiencies; and/or,
- Personnel Complaint.

When the BOPC concurs that a finding of Administrative Disapproval is appropriate, the matter will be referred back to the Department for the appropriate remedial action.
action as delineated above.

In instances where the BOPC does not adopt the recommendations of the COP regarding tactics, drawing written rationale for the finding. The findings of the BOPC are final in the CUOF administrative adjudications.

**Note:** This Directive does not affect the right of grievance, Boards of Rights or other legal remedies or appeals processes.

### 792.25 Unintentional Discharges

Although the BOPC will continue to evaluate and make findings relative to unintentional discharges, they are no longer evaluated as intentional uses of deadly force incidents.

The tactics and drawing and exhibiting of the firearm may be evaluated if the unintentional discharge occurred during a tactical event. However, the unintentional discharge of any firearm by a Department employee will be evaluated and determined to be either Accidental or Administrative Disapproval.

Actions taken by the Department for Administrative Disapproval – “Negligent Discharges” include:

- Completion of Extensive Retraining;
- Notice to Correct Deficiencies; and/or,
- Personnel Complaint.

### 792.30 Application

**Tactical Debrief.** To ensure continued improvement, training must be positively offered and accepted. Preplanning, rehearsing, performing, and debriefing critical incidents to enhance future performance. Further, tactical events can be improved and the Tactical Debrief is the most appropriate vehicle to facilitate that continued improvement. Finally, the objective, expert analysis of every situation reinforces, improves, or develops tactical excellence.

**Administrative Findings.** Findings of Administrative Disapproval no longer automatically result in the Department to initiate a personnel complaint. Those instances may include when routine training clearly would not be appropriate or has already been provided and proven ineffective or the employee intentionally disregarded policy or procedure. The revised adjudication process also allows the Department to use whatever means are reasoned to most likely ensure future compliance with policy and/or procedure. In some cases, a remedial training program may be appropriate when the employee clearly displayed a lack of aptitude or understanding of the circumstances resulting in a CUOF incident.