

792. ADJUDICATION OF CATEGORICAL USE OF FORCE INCIDENTS. This section can also be found 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 mace;
- All deaths while the arrestee or detainee is in the custodial care of the Department (also known as a death in custody);
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a "serious injury";
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and results in serious bodily injury, hospitalization or death;

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.
- 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 or injury to the member of the public is not a use of force but has been included in this category to satisfy the provisions of the Department's Animal Control Policy;
 - Incidents where the Department has agreed to conduct similar critical incident investigations with the Department Arson Unit.

Substantially Involved: The term "substantially involved" includes the employee(s) applying force or using a weapon in the incident.

72-Hour Brief: The briefing for the Chief of Police (COP) and other concerned command staff regarding the incident.

General Training Update: Standardized training provided by Training Division personnel, to personnel involved in the incident. This update is not an inquiry into the specific details of the CUOF. The intent of the update is to provide involved personnel with information on the incident, the issues and actions readily identified in the CUOF incident as well as an update on the Use of Force policies.

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 facilitated by the Tactical Debrief Facilitator.

Categorical Use of Force Debrief Facilitator: A Categorical Use of Force Debrief Facilitator must be designated 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 firearm operator error.

Administrative Disapproval - Negligent Discharge: Finding, where it was determined that the unintentional discharge was the violation of a firearm safety rule.

Unintentional Discharge: The unintentional discharge of a firearm regardless of cause. Unintentional discharge includes accidental discharge, negligent discharge, and administrative disapproval.

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 I

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

Tactics - Administrative Disapproval: A finding, supported by a preponderance of the evidence that tl substantially deviated from approved Department tactical training.

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

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 D properly reviewed and adjudicated in a timely manner, the Chief of Police shall submit all CUOF recom Commissioners (BOPC) by administrative statute deadline, which is 60 calendar days prior to the admini the date the CUOF incident is reported to a Department supervisor or the the amended statute date if tolling, the Commanding Officer (CO), Critical Incident Review Division (CIRD), shall provide the BOI

CRITICAL INCIDENT REVIEW DIVISION’S RESPONSIBILITIES. When Force Investigation I a review and cause a Use of Force Review Board (UOFRB) to be convened in accordance with Departm *Responsibilities*. The UOFRB will submit its recommendations to the Chief of Police. The Chief of Pol recommended administrative findings by the administrative statute deadline, unless sufficient cause exist

Grounds for such extension are as follows:

- The FID investigation has not been completed within 125 calendar days prior to the administrati process; or,
- Critical Incident Review Division; the Director, Office of Support Services; or the Chief of Polic investigation.

When a delay is anticipated, the CO, CIRD, shall provide the BOPC with an explanation for the extensio

792.10 PROCEDURE

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

Adjudication Area	Finding	
Tactics	Standard Debrief	Ta
	Administrative Disapproval	Ta ■ ■ ■
	In policy – No Further Action	Ta

Drawing and Exhibiting the Firearm	Administrative Disapproval - Out Of Policy	Ta ▪ ▪ ▪
Use of Force	In policy – No Further Action	Ta
	Administrative Disapproval - Out of Policy	Ta ▪ ▪ ▪

792.15 Tactical Debrief. *A Tactical Debrief shall be conducted for all CUOF incidents within 90 calen.*

During the adjudication process, the UOFRB, COP, and BOPC may identify areas of conduct that should adjudication, Critical Incident Review Division (CIRD) shall compile the list of issues to be debriefed an

The Categorical Use of Force Debrief Facilitator shall conduct the Tactical Debrief with the personnel in Debrief Facilitator shall be responsible for presenting the fact pattern of the case and leading a facilitated applicable to the incident. The Categorical Use of Force Debrief Facilitator will present those tactical pr and “lessons learned” so that future practices, policies, or procedures can be enhanced. The Tactical Det 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, trainin

Note: The intent of the Tactical Debrief analysis is to review and analyze Department-wide train analysis shall not focus on or document findings, recommendations, or analysis of individual emp

In some circumstances, the UOFRB, COP, or BOPC may identify additional specific individual training In those cases, training shall be provided in addition to the Tactical Debrief. The intent of the additional considered punitive.

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

792.20 Administrative Disapproval (Tactics, Drawing and Exhibiting or Use of Force). When the U actions (tactics, drawing and exhibiting, or use of force) should be classified as “Administrative Disappr recommended remedial actions and state why they expect that the remedial actions will reduce the risk o 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 r

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 adjudic

Note: This Directive does not affect the right of grievance, Boards of Rights or other legal remedies or a

792.25 Unintentional Discharges. Although the BOPC will continue to evaluate and make findings re 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 oc discharge of any firearm by a Department employee will be evaluated and determined to be either Accid

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. Fu tactical events can be improved and the Tactical Debrief is the most appropriate vehicle to facilitate that of every situation reinforces, improves, or develops tactical excellence.

Administrative Findings. Findings of Administrative Disapproval no longer automatically result in the it may be appropriate for the Department to initiate a personnel complaint. Those instances may include already been provided and proven ineffective or the employee intentionally disregarded policy or proced Department to use whatever means are reasoned to most likely ensure future compliance with policy and may be appropriate when the employee clearly displayed a lack of aptitude or understanding of the circu