

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

**793.05 COMMANDING OFFICER'S RESPONSIBILITY.** Upon receipt of a Non-Categorical use of force investigation, the commanding officer shall:

- Utilize the Area/division Training Coordinator to evaluate the incident;
- Contact subject matter experts (e.g., Training Division) 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; and,
- Notify the employee of Use of Force Review Division final disposition as soon as practicable.

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-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.

**793.10 BUREAU COMMANDING OFFICER'S RESPONSIBILITY.** Upon receipt of a Non-Categorical use of force investigation, the bureau commanding officer shall:

- Cross-staff with Internal Affairs Group (IAG) to determine if a related complaint investigation has been initiated regarding the use of force incident and, if so, take that information into consideration;
- Review all reports and make a recommendation on the disposition;
- Sign the IPR;
- Forward the IPR, with all related reports attached, to the Commanding Officer, Use of Force Review Division, within seven calendar days of receipt; and,
- Upon receipt of the disposition from Use of Force Review Division, notify the employee's commanding officer of that disposition.

**793.15 COMMANDING OFFICER, USE OF FORCE REVIEW DIVISION, RESPONSIBILITY.** The Director, Office of Support Services, is the Department's review authority for the administrative review of all use of force incidents. For Non-Categorical uses of force, that authority is generally exercised through the Commanding Officer, Use of Force Review Division, who shall:

- Review the Non-Categorical use of force investigation and all related reports to ensure compliance with Department policy and procedure;
- Approve or disapprove the recommended disposition and provide a written rationale for any finding that differs from that of the bureau commanding officer;
- Retain the original Non-Categorical Use of Force Internal Process Report and copies of all related reports; and,
- Forward a copy of the completed Internal Process Report to the bureau commanding officer.
- If the Commanding Officer, Use of Force Review Division, requires further information prior to adjudication, such a request shall be submitted to the employee's bureau commanding officer.

### **793.20 INCIDENTS INVOLVING MULTIPLE COMMANDS, MULTIPLE USES OF FORCE, MULTIPLE ADMINISTRATIVE INVESTIGATIONS OR TRAINING.**

**793.25 MULTIPLE COMMANDS INVOLVED.** If officers from different commands (e.g., Gang and Narcotics Division and Hollenbeck Area) are involved in a single Non-Categorical use of force, only one commanding officer shall adjudicate the incident. Generally, an operational command should complete the use of force investigation and that same command should assume adjudicating responsibility. The commanding officer adjudicating the incident should discuss the adjudication

with the other commanding officer(s). The next level of review shall be the adjudicating command's chain of command.

**793.30 MULTIPLE USES OF FORCE.** When multiple uses of force occur during a single incident, each use of force must be identified and evaluated separately. In such cases, there may be varying dispositions for each use of force (e.g., the baton strike was in policy, but the front kick was out of policy). In these instances, each level of review shall complete an attached narrative identifying and classifying each separate use of force. The most serious classification (e.g., Administrative Disapproval), shall be indicated on the face sheet of the Internal Process Report.

**793.35. USE OF FORCE INVOLVING A PURSUIT OR TRAFFIC COLLISION.** On occasion, a use of force will occur in conjunction with a pursuit or employee-involved traffic collision, each of which requires an on-scene administrative investigation by a supervisor. In such cases, the same uninvolved supervisor may conduct each of the administrative investigations and prepare the required administrative reports.

When a use of force, pursuit and/or traffic collision are involved, they shall be reviewed together through the process for reviewing Non-Categorical uses of force. The Commanding Officer, LAD, must coordinate his/her determination with the staff officer responsible for final determination of the related administrative investigation(s). This includes providing sufficient information to facilitate their record-keeping responsibilities.

**793.40 RECORDATION OF TRAINING.** In cases where formal training is directed as the result of a use of force review (i.e., any training provided by Police Services and Training Bureau, Training Division shall enter all completed training into the Training Evaluation and Management System II (TEAMS II). All other forms of directed training (e.g., divisional training) shall be entered into TEAMS II by the employee's Area/division. In all cases, the corresponding administrative file number (usually the DR number) shall be included in the TEAMS II entry.

**793.45 RECORDING SUPPLEMENTAL INFORMATION.** When additional information is discovered prior to completion of the use of force investigation, that information shall be incorporated into the report with the date, time and circumstances under which the supplemental information was received. However, on occasion, supplemental information is obtained after the use of force investigation has been completed. When that occurs, the following procedure shall apply:

**Prior to Adjudicating the Use of Force.** When supplemental information is obtained prior to adjudicating the use of force, that information shall be added to the use of force investigation via an Employee's Report, Form 15.07.00 and considered in conjunction with the original report.

**After a Complaint Has Been Initiated.** When a complaint has been initiated, supplemental information shall be reported in writing to the assigned investigator(s) via Intradepartmental Correspondence, Form 15.02.00.

**After Adjudicating a Use of Force, No Complaint Initiated.** When a use of force has been adjudicated and no complaint was initiated, the supplemental information shall be included on a Form 15.02.00 and considered by the chain of command reviewing the original use of force.

The document containing the supplemental information shall be attached to and retained with the initial use of force investigation (e.g., original retained by LAD, copies retained by the involved employee's bureau and Area/specialized division commanding officer).

(See also Initiating a Complaint Investigation Involving a Use of Force Manual Section 3/830).

**794. INVESTIGATIVE RESPONSIBILITY OF OFFICER INVOLVED SHOOTINGS, CUSTODIAL AND IN - CUSTODY DEATHS, AND USE OF FORCE INCIDENTS RESULTING IN INJURY.**

**794.01 SERIOUS INJURY DEFINED.** For the purpose of this section, an injury shall be considered **serious** when there is a substantial possibility that a person will die as a result of the injury.

**794.02 SIGNIFICANT INJURY DEFINED.** For the purpose of this section, a **significant** injury is defined as an injury, other than a traffic collision-related injury, which requires the individual to be admitted to a hospital for treatment or observation.

**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 non-Department entity, such as a Los Angeles Fire Department Arson Unit, Los Angeles World Airport Police and other non-City entities (e.g., UCLA/USC Police Department, and Cal State University Northridge, Department of Police Services).

**In-Custody Deaths (ICD).** 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;
- 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 his/her section lieutenant and receive approval to close out the incident as a death report on the 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.

The FID investigator will 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, Use of Force Review Division (UOFRD), for concurrence. Simultaneously, the CO, FID, will forward an informational copy to the Office of the Inspector General.

Once concurrence is obtained from the CO, UOFRD, the ICD CRP will be presented to the COP for his 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 usual FID investigative process will continue and the incident will remain as the original classification of the CUOF ICD.

**Animal Shootings and Non-Tactical Unintentional Discharges of Firearms.** Upon responding to a use of force incident involving an animal shooting or a non-tactical unintentional discharge (defined in Manual Section 3/792.05), all Department employees must presume that a CUOF has occurred and follow all CUOF protocols.

**Exception:** Procedures are detailed below regarding investigations of off-duty animal shootings in rural areas that meet the specified criteria.

Force Investigation Division is responsible for investigating any on/off-duty animal shooting and unintentional discharge. An Officer-Involved Firearm Discharge Investigation, Form 01.67.08, may be used to document tactical or non-tactical unintentional discharges and animal shootings if all of the following criteria exist:

- No injuries to person(s);
- No misconduct involved **other than the unintentional discharge**;
- No violations of Department policy and/or procedure (other than a violation associated with the unintentional discharge); and,
- No significant conflicts in witness statements or evidence.

**Note:** If any of the above criteria are not met, the CUOF investigation must be handled and documented utilizing existing CUOF procedures.

The initial determination of whether the Form 01.67.08 will be used to document the investigation will be made by the on-call FID lieutenant. The final determination will be made by the CO, FID. The COP retains the authority to determine the reporting method.

The on-call FID lieutenant will send the required resources from FID to conduct the investigation with the support of personnel from the involved employee's command or personnel from the Area of occurrence. An FID investigator will complete the Form 01.67.08, and submit the report to the CO, FID, for approval. The CO, FID, will forward the approved report to the UOFRD within 60 calendar days of the incident. In addition, the CO, FID, will forward a copy of the investigation to the involved employee's CO and to his/her bureau for review.

**Note:** If additional time is required to complete the investigation, the CO, FID, must submit an Intradepartmental Correspondence to the CO, UOFRD, explaining the reason for the delay and the anticipated date of its completion. The CO, FID, will forward a copy of the Intradepartmental Correspondence to the involved employee's Area/division and bureau commanding officer.

**Investigations of Off-duty Animal Shootings in Rural Areas.** Force Investigation Division will no longer respond to and no Department investigation is required for off-duty animal shootings in a rural area when all of the following criteria are met:

- The employee is off-duty;

- The incident occurred in an area which would reasonably be considered a rural district, including ranchland, farmland, parkland, or other sparsely populated areas, as opposed to cities and towns;
- The incident was the result of the need to stop a vicious, predatory, or venomous animal presenting a direct threat to the officer, other persons or pets; and,
- There is no misconduct involved or violation of Department policy or procedures.

**Note:** Force Investigation Division will continue to respond if all of the above criteria are not met or as directed by the COP.

**Employee's Responsibilities.** When all of the above criteria are met, the employee must:

- Notify his/her watch commander or officer in charge of the incident without delay;
- Contact the local law enforcement authorities and be guided by their advice;
- Complete the Off-Duty Officer-Involved Firearm Discharge Investigation – Animal Shooting In A Rural Area, Form 01.67.11 and submit to his/her watch commander or officer in charge. The employee must ensure a detailed description of the circumstances, action(s) taken and threat posed by the animal are included in the report. The employee must submit the completed report on the next working day, but no later than seven calendar days after reporting the incident; and,

**Note:** If the employee's service weapon was involved, the employee must have the weapon inspected by a Department Armorer within seven business days after reporting the incident, if practicable. The Department Armory will complete the Weapon Discharge Inspection Report and it must be attached to the Form 01.67.11.

- Complete an Overtime Report, Form 02.24.00, as soon as practicable and ensure compliance with the Department's Fair Labor Standards Act policy and overtime procedures (Manual Sections 3/222.20 and 3/708.02).

**Watch Commander's or Officer in Charge's Responsibilities.**

- Document the notification by the involved officer on the Watch Commander 's Daily Report, Form 15.80.00;
- Notify the on-call FID Lieutenant via DOC, and document the information on the Watch Commander's Daily Report;
- Upon receipt of the Form 01.67.11, the watch commander or Officer in Charge will review the circumstances and documentation to ensure all applicable criteria were met and are properly documented and forward the Form 01.67.11 to the employee's CO; and,
- If the employee's service weapon was involved, the Weapon Discharge Inspection Report must be attached prior to submission to the CO.

**Commanding Officer's Responsibilities.** Upon receipt of the Form 01.67.11, the CO will review the incident and take appropriate action if needed. The CO will then ensure distribution of the Form 01.67.11 to FID, UOFRD, and the concerned bureau within 30 calendar days after the incident

**794.12 USE OF FORCE INVESTIGATIONS INVOLVING HEAD STRIKES.** Upon responding to a use of force incident involving a head strike, the investigating supervisor shall presume that a CUOF has occurred. The investigating supervisor shall follow all CUOF protocols, until the Commanding Officer, FID, determines if the incident will be handled as a CUOF or a Level I NCUOF incident. The following additional protocols shall be followed for incidents involving head strikes:

- The assigned field supervisor shall determine whether the head strike occurred through an preliminary assessment of the facts and circumstances. The field supervisor shall handle any incident involving a head strike as a CUOF until a determination is made by the Commanding Officer, FID;

- The assigned field supervisor shall ensure that a rescue ambulance is requested to treat and/or evaluate the subject(s) involved;
- The assigned field supervisor shall notify the watch commander of the Area where the incident occurred regarding the occurrence of a head strike and provide the preliminary facts and circumstances of the incident;
- The watch commander shall notify the on-duty Force Investigation Division (FID) supervisor via DOC and provide the facts and circumstances of the incident;
- The FID supervisor shall respond to conduct an assessment of the incident to determine whether the head strike was intentional or unintentional and contact the Commanding Officer, ID, to provide the facts and circumstances of the incident;
- The Commanding Officer, FID, shall make the final determination if the incident will be handled as a CUOF or a Level I NCUOF and ensure that the watch commander is advised of the decision; and,

**Note.** The Commanding Officer, FID, may direct a CUOF investigation for a head strike incident that meets the criteria for a Level I NCUOF incident.

- The watch commander shall notify the on-scene investigating supervisor whether the incident will be handled as a CUOF or a Level I NCUOF incident.

**794.14 CRIMINAL INVESTIGATION SECTION-RESPONSIBILITIES.** When conducting a CUOF investigation, Criminal Investigation Section shall be responsible for:

- The use of deadly force (e.g., discharge of a firearm) by a Department employee;
- The use of an upper body control hold by a Department employee;
- An incident involving a death;
- Conducting the preliminary investigation of any crime associated with an incident for which FID has investigative responsibility;

**Exception:** In cases where the crime committed by the civilian suspect(s) is not against the involved officer (e.g. driving a stolen vehicle), Area detectives may, at the discretion of FID, be assigned the responsibility for investigating the criminal components of the case and conducting the related follow-up investigation. Additionally, at the discretion of the Commanding Officer, PSB, Robbery-Homicide Division may continue to investigate incidents where an employee is killed or seriously injured as a result of being the victim of, or suspect in a crime.

- Conducting the criminal investigation, if appropriate, of the actions of the officer(s) involved in a CUOF incident;
- Taking charge of the scene of a CUOF incident;
- Interviewing civilian and non-involved Department employee witnesses;
- Investigating any incident involving a sworn officer from an outside agency who uses deadly force within the City of Los Angeles; and,
- Investigating any other incident at the direction of the COP.

Though FID is in charge of the scene, FID is not responsible for investigating any crime(s) associated with an incident for which they have administrative investigative responsibility. Many incidents investigated by FID are strictly administrative and do not require an on-scene criminal investigation. However, when an on-scene criminal investigation is required for an incident being investigated by FID, Robbery-Homicide Division (RHD) shall assume criminal investigative responsibility for the following incidents:

- An incident in which a department employee is the victim of a crime directly related to the incident being investigated by FID, (e.g., Assault with a Deadly Weapon or Battery on a Police Officer); and,
- When the Chief of Police or his designee determines the RHD should handle the criminal investigation.

All other crimes shall be investigated at the Area/divisional level except for incidents that are assigned to Internal Affairs Group (IAG), in which case IAG shall assume responsibility for both the administrative and criminal investigations.

**794.20 ADMINISTRATIVE INVESTIGATION SECTION RESPONSIBILITIES.** The Administrative Section shall be responsible for:

- Liaising with Criminal Investigation Section during their investigation;
- Conducting the compelled interviews and walk-throughs of involved officers;
- Completion of the arrest, booking, reporting and investigative follow-up of a suspect involved in the CUOF incident;

**Note:** In order to protect statements which may be contained in an arrest report and were provided by victim officers involved in the CUOF incident, the Administrative Investigation Section shall handle the arrest and booking of civilian suspects, except in those cases where Robbery-Homicide Division or Area Detectives are responsible for the follow-up criminal investigation.

- Completion of the administrative CUOF Report; and,
- Presenting the findings of the CUOF investigation at Use of Force Review Board hearings.

All incidents that do not meet the criteria for being investigated by Force Investigation Division (FID) shall continue to be reported and investigated at the Area/divisional level. The commanding officer of the involved employee(s) shall be responsible for the administrative investigation of all employee-involved and employee-influenced injuries which are not the responsibility of FID. A supervisor from the involved employee's command shall respond to the scene and:

- Investigate the incident to ensure that Department policies and procedures were followed;
- Take appropriate action if training, personnel, or other administrative issues arise; and,
- Ensure that the incident is documented in the appropriate Department report(s) (e.g., crime, arrest, use of force, and/or pursuit reports.)

**794.25 CRIMINAL INVESTIGATIVE RESPONSIBILITY.** The geographic detectives in the Area where the crime occurred shall be responsible for the criminal investigation related to all employee-involved and employee-influenced injuries which are not the responsibility of a specialized command. The Area or specialized division commanding officer shall ensure that appropriate investigative personnel are assigned to the criminal investigation of these incidents.

**794.26 STATEMENTS FOR OFFICER-INVOLVED SHOOTINGS, IN-CUSTODY DEATHS, AND USE OF FORCE INCIDENTS RESULTING IN SIGNIFICANT INJURY.** The statements of involved officers and civilian witnesses who actually witnessed the incident shall be electronically recorded, unless certain criteria are met and approval by the on-scene Force Investigation Division Lieutenant/Officer in Charge (OIC) is obtained (Department Manual Section 3/794.37)

**794.30 INVESTIGATIONS INVOLVING MISCONDUCT.** Whenever a FID investigation identifies an allegation(s) of serious misconduct the officer, in charge of the FID investigation, shall ensure that a Personnel Complaint, Form 01.28.00, is completed in accordance with Department policy. The officer in charge of the FID investigation shall cause the Chief of Police or his designee and the Commanding Officer, PSB, to be notified regarding allegation(s) of serious misconduct.

**794.32 FORCE INVESTIGATION DIVISION - INVESTIGATION INVOLVING SERIOUS MISCONDUCT.** When a Force Investigation Division (FID) investigation involves an allegation(s) of serious misconduct or the investigation reveals serious misconduct, the Commanding Officer, FID, or the senior officer in charge of the FID investigation shall immediately notify the Chief of Police or his designee; the Commanding Officer, IAG; and, the Inspector General (IG). When it is determined that an officer is involved in serious misconduct, IAG shall assume responsibility for the criminal and administrative investigations, though the Chief may assign the criminal investigation to any

entity other than FID. The Chief will notify the Board of Police Commissioners (Police Commission) in writing, with a copy to the IG, that the investigation has been transferred to IAG (or another entity) and include the new investigative control number as well as the old FID control number (e.g., OIS number) if one was issued.

When IAG completes its investigation, the Chief shall forward a summary of the investigation to the Police Commission for its review with a copy to the IG. If that investigation is not completed at least 60 days before the running of any disciplinary (administrative) statute of limitations, the Chief will provide a status report of the investigation to the Police Commission, with a copy to the IG. The status report will identify the reason(s) the investigation is not completed, a description of investigative steps yet to be completed and a schedule for completing the investigation.

**Note:** Any element of the Department necessary to complete the investigation shall be at the disposal of the Commanding Officer, Internal Affairs Group.

**794.35 CATEGORICAL USE OF FORCE – NOTIFICATIONS.** Notification responsibilities after a Categorical Use of Force (CUOF) are established as follows:

**Area Watch Commander/Incident Commander.** The Area watch commander/Incident Commander shall make the following notifications within 30 minutes of learning that a CUOF incident has occurred:

- Department Operations Center (DOC);
- Area commanding officer of the Area of occurrence; and,
- Bureau commanding officer of the Area of occurrence.

**Note:** In such instances where the notification is beyond the 30 minutes, the justification shall be documented in the Watch Commanders Daily Report, Form 15.80.00

**Department Operations Center.** Department Operations Center shall make the following notifications within 20 minutes of being notified by the Area watch commander/Incident Commander that a CUOF incident has occurred:

- Office of the Chief of Police or his or her designee;
- Chief of Staff;
- Force Investigation Division (FID) or FID on-call team during non-business hours; and,
- Office of the Inspector General (OIG);

**Additional Notifications Requirements.** As soon as possible after the initial required notifications, DOC shall make notifications to the following entities:

- Commanding Officer, Professional Standards Bureau;
- Involved employee(s) commanding officer;
- Department Risk Manager;
- Family Liaison Section; and,
- Los Angeles District Attorney's Office for those cases identified in the roll out protocol governing such notifications.

**Note:** For officer-Involved Shootings or any other categorical use of force, which results in death or where death is deemed likely by FID, and for any In-Custody Deaths, the Commanding Officer, FID, shall notify the Family Liaison Section, Office of the Chief of Staff.

**794.37 FORCE INVESTIGATION DIVISION - INVESTIGATIONS.**



**Response and Crime Scene Responsibilities.** Force Investigation Division (FID) shall be available to respond 24-hours a day to incidents for which it has investigative responsibility. Upon receiving notification of an incident, a FID investigator shall respond to the scene promptly. When multiple investigating entities are present (i.e. Area detectives), the senior FID member present shall have overall command of the crime scene and the on-scene investigation. This does not preclude the Chief of Police or his/her designee from assuming command when there is a specific need to do so.

**Force Investigation Division Investigative Guidelines.** Force Investigation Division investigators shall follow established Department procedure for investigating all incidents for which it has investigative responsibility. Additionally, FID investigators shall:

- Record all interviews (i.e., audio or video recording) of involved officers and witnesses (if not recorded, provide justification);

**Exception: This exception only applies to officer-involved shootings.** Heard only witness statements shall be documented on the Heard Only Witness Form for LAPD Sworn, Form 01.71.02, or a Heard Only Witness Form for Civilians, Form 01.71.03, when approved by the on-scene FID Lieutenant/Officer In Charge (OIC). The Heard Only Witness Form for Civilians is also used to document the statements of outside agency personnel classified as a "heard only" witness. These statements do not need to be electronically recorded.

**Note:** Whenever possible, recorded interviews should include a complete record of the interview including a preamble and interview conclusion.

- Interview civilian witnesses at locations and times convenient to them, whenever it is practical and appropriate;
- Prohibit group interviews;

**Note:** If the subject of the use of force or a civilian witness was not interviewed separately, document that the witness(s) was not interviewed separately along with an explanation.

- Interview all involved supervisors (applies only to those actively involved in managing the scene) regarding their management of the scene during the incident;
- Coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate;
- Ensure that all officer's and suspect's injuries are photographed (if no photographs are taken provide an explanation why); and,
- Identify and document all inconsistencies in officer and witness interview statements.

**Heard Only Witnesses. This applies to officer-involved shootings only.** Witnesses that meet the criteria for being classified as a "heard only" witness shall have their statements documented on the Heard Only Witness Form for LAPD Sworn or Heard Only Witness Form for Civilians. These statements do not need to be electronically recorded.

In order for a witness to be considered "heard only," the following requirements must be met:

For Sworn:

- The officer is not the partner of an officer who used force;
- The officer is not the partner of an officer who heard conversations or observed activity between the involved officer(s), suspect(s) or key witnesses;
- The officer only heard gunshots and did not witness any other aspect of the incident under investigation; and,
- The FID Lieutenant/OIC determined there is no further investigative value in determining the rate, sequence, or any other relevant audible characteristic of the gunshots heard in connection with the case under investigation.

For Civilians:

- The civilian witness only heard gunshots;
- The civilian witness did not witness any part of the incident leading up to the officer-involved shooting;
- The civilian witness did not hear any verbal conversations or commands prior to or after the officer involved shooting; and,
- The FID Lieutenant/OIC determined there is no further investigative value in determining the rate, sequence, or any other relevant audible characteristic of the gunshots heard in connection with the case under investigation.

**Liaison with the District Attorney and Inspector General.** The assigned FID investigator or his/her supervisor shall liaise with the assigned deputy district attorney and Inspector General to ensure that both are briefed and allowed to observe the investigation.

**Test Firing of Firearms Used in Categorical Use of Force Incidents.** As part of Categorical Use of Force (CUOF) Investigation protocol, FID investigators shall retain any firearm discharged by an officer during a CUOF incident so that ballistic testing of the firearm can be completed. The involved officer will receive a replacement firearm from FID until his/her firearm is returned. The firearm will be returned to the involved employee immediately after testing is completed.

In certain instances, it may be necessary to obtain all or portions of the involved officer's leather gear, badge, boots or uniform. If an officer requires leather gear replacement, he/she shall complete a Supply Order Form, Form 15.11.00, and forward it to the Uniform Shop, Supply Section, Fiscal Operations Division (FOD). If an officer requires a badge replacement, he/she shall complete an Intradepartmental Correspondence, Form 15.02.00, directed to the Commanding Officer, Personnel Division. If an officer requires uniform or boot replacement, he/she must purchase the items and then complete an Intradepartmental Correspondence directed to the Commanding Officer, FOD, for reimbursement.

**Watch Commander/Incident Commander's Responsibilities.** After all public safety concerns have been addressed, the watch commander, Area of occurrence, or incident commander shall ensure that involved officers and witness officers are transported from the scene, physically separated unless logistical problems (e.g., the number of involved officers and/or supervisors) preclude individual separation, and monitored to eliminate the possibility of contaminating their statements prior to their interview by FID personnel. During that time, the watch commander/incident commander shall ensure that the welfare of the involved officer(s) is addressed.

**Duty to Assess Supervisor's Response.** Within seven calendar days of a CUOF incident, the commanding officer of a supervisor who responds to a CUOF, in consultation with FID, shall:

- Analyze the circumstances surrounding the presence or absence of a supervisor at a CUOF incident;

**Note:** "Supervisor" is defined as the first responding supervisor to a CUOF incident, not a supervisor who was a witness or an involved party. The analysis shall also address the response of any subsequent supervisor(s) who assumes command of the incident.

- Determine if a supervisor's response to, and actions at, the incident were appropriate (i.e., ensuring medical treatment was provided, facilitating the search for outstanding suspects and/or weapons, establishing a perimeter, protecting the crime scene, canvassing for witnesses, ensuring separation of officers, bringing appropriate resources to the scene, promptly notifying the Department Command Post, etc.);
- Identify training issues, if any;
- Document the analysis on an Employee Comment Sheet, Form 01.77.00, as outlined in Manual Section 3/760.13. The documented analysis shall reflect specificity and individuality;
- Discuss the commanding officer's analysis with the involved supervisor(s);
- Take appropriate administrative action as necessary; and,

- File the Employee Comment Sheet in the divisional Employee Comment File, and ensure the information is taken into account in the supervisor's next performance evaluation.

**Note:** Lieutenants in charge of Area detective divisions as commanding officers **shall not** conduct this assessment.

The involved employee's commanding officer shall prepare and forward an Intradepartmental Correspondence to the Commanding Officer, FID, no later than seven calendar days following the incident confirming that an assessment was conducted. The Intradepartmental Correspondence shall contain the following:

- FID case number;
- Date of occurrence;
- Name and serial number of the supervisor(s) assessed; and,
- Date the analysis was conducted.

The original Intradepartmental Correspondence shall be retained by FID with its investigation, and a copy shall be maintained at the Area/divisional level. Appropriate supervision for these incidents shall also be addressed by the Use of Force Review Board and any action with respect to supervision generally should flow from that process.

**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), Legal Affairs Division, and the Department's Use of Force Review Board.

**794.40 RETURN TO FIELD DUTY OF EMPLOYEES INVOLVED IN AN OFFICER-INVOLVED SHOOTING RESULTING IN INJURY OR A CATEGORICAL USE OF FORCE RESULTING IN DEATH OR THE SUBSTANTIAL POSSIBILITY OF DEATH.**

**Commanding Officer's Responsibilities - Initial Response and Preliminary Procedures.** Upon notification of an on- or off-duty employee(s) under his or her command who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical Use of Force resulting in death or the substantial possibility of death, the commanding officer shall:

- Immediately remove the involved employee(s) from field duty;
- Meet with the involved employee(s) to discuss the process that will occur [e.g., Force Investigation Division (FID) interviews, Behavioral Science Services (BSS) referral, Use of Force Review Board];

**Note:** Supervisors and commanding officers shall not discuss an assessment of the incident.

- Ensure that the initial needs of the involved employee(s) are met (e.g., notification to family/friends, involved employee(s) and personal vehicle transported to residence at conclusion of interviews); and,
- Review the Training Evaluation and Management System II (TEAMS II) Report of the involved employee(s) to examine the areas of discipline information, use of force information and pursuits. Obtain the details in any of the areas of concern (e.g., contacting Professional Standards Bureau for details on a pending complaint(s), Intradepartmental Correspondence, Form 15.02.00, to the Police Commission for the details on a prior shooting or a categorical use of force, discussions with the involved employee's immediate supervisor or officer in charge to examine if a pattern in uses of force or discipline exists).

**Directed Referral to Behavioral Science Services.** The commanding officer of an on- or off-duty employee(s) who is involved in an officer-involved shooting resulting in an injury to any person or a categorical use of force resulting in death or the substantial possibility of death shall:

- Notify BSS within two administrative working days of the incident;
- Schedule three mandatory, on-duty appointments for the employee(s) with BSS for a psychological evaluation by a licensed mental health professional;

**Note:** The first appointment shall be scheduled for within 72 hours of the incident or as soon as practicable; the second appointment shall be scheduled for approximately four to eight weeks after the incident; and, the third appointment shall be scheduled before or after the Use of Force Review Board has concluded (predicated upon BSS's recommendation, with input from the employee's CO).

- Notify the involved employee of the appointment; and,

**Note:** An employee's attendance at a BSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis.

- Consult with BSS after the involved employee's first mandated appointment to obtain their recommendation of whether or not to return the employee(s) to field duty. Other than the recommendation of BSS, matters discussed during the BSS evaluation shall be strictly confidential.

**Return to Field Duty.** Prior to returning an employee to field duty, approval is required from the Chief of Police. After obtaining the recommendation from BSS to return an involved employee to field duty (if applicable), the involved employee's commanding officer shall:

- Interview the employee(s) to assess the employee's readiness and suitability to return to field duty;
- Ensure that the General Training Update (GTU) has been completed;

**Note:** The GTU shall be completed prior to the employee returning to field duty, unless otherwise directed by the Chief of Police.

- Obtain concurrence from the bureau commanding officer, who will then obtain approval from the assistant chief within their chain of command and the Chief of Police regarding the involved employee's readiness to return to field duty;
- Notify the involved employee(s) of the determination to return or not return the employee to field duty status; and,
- Continue to assess and monitor the involved employee(s) upon their return to field duty to ensure the welfare of the involved employee considering liability factors, work products, subsequent interviews, and complaint or work history.

**Note:** Under no circumstances shall the officer(s) who discharged their weapons be returned to field duty until at least 14 days have elapsed since the time of the incident.

**Notification to Use of Force Review Board.** Within 30 calendar days of the incident, the commanding officer of the employee who is involved in an officer-involved shooting resulting in an injury to any person or a categorical use of force resulting in death or the substantial possibility of death shall submit an Intradepartmental Correspondence, Form 15.02.00 via the chain of command to the Chair of the Use of Force Review Board confirming compliance with these guidelines. The Form 15.02.00 shall include:

- The date of the incident;
- The date of the officer's BSS visit;
- The date of the commanding officer's consultation with BSS;
- The recommendation of BSS regarding the duty status of the involved employee;
- The commanding officer's recommendation as to an employee's readiness and suitability to return or not return to field duty status shall be based on an employee interview, BSS recommendation, TEAMS II review, and Chief of Police approval;

- The dates that approval was obtained from the bureau commanding officer, assistant chief and Chief of Police to return the employee to field duty;
- The date the officer(s) was returned to field duty, if such a determination was made;
- The specific assignment(s) of the involved employee on each of the dates prior to the officer being returned to field duty; and,

**Note:** If the involved employee has not returned to field duty within 30 calendar days of the incident **due to the recommendation of BSS or non-approval by the Chief of Police**, an additional Form 15.02.00 shall be submitted every 30 days thereafter indicating specific assignment(s) of the involved employee pending his/her return to field duty until approved for return to full duty.

- Any duty restrictions attached to the return to field duty determination.

**Note:** Nothing in this section prevents a commanding officer from referring an officer to BSS under less serious circumstances (Department Manual Section 3/799).

**Bureau Commanding Officer's Responsibilities.** Upon notification by the involved employee's commanding officer of BSS's recommendation to return the employee who was involved in an officer-involved shooting resulting in an injury to any person or a categorical use of force resulting in death or the substantial possibility of death to field duty, the bureau commanding officer shall:

- Discuss the involved employee's readiness and suitability to return to field duty with the involved employee's commanding officer and consider his or her recommendation for approval or disapproval;
- Consult with the assistant chief within the employee's chain of command and the Chief of Police or his or her designee, **within seven days** of the BSS recommendation (if applicable) to obtain approval for the employee to return to field duty; and,

**Note:** It is the responsibility of the involved employee's bureau commanding officer to ensure concurrence is obtained from the Chief of Police or designee through his or her chain of command in a timely manner. This may be accomplished telephonically, if necessary.

- Advise the involved employee's commanding officer of the decision by the Chief of Police.

#### **795. OBTAINING A PUBLIC SAFETY STATEMENT – CATEGORICAL USE OF FORCE.**

When practicable, an uninvolved supervisor at a Categorical Use of Force (CUOF) scene shall obtain sufficient information to conduct his/her duties at the scene (e.g., establishing a perimeter, protecting the crime scene, locating witnesses/evidence, managing the response of additional resources). As per OCOP Notice dated February 15, 2007, entitled Obtaining a Public Safety Statement Following an Officer-Involved Shooting Incident, a public safety statement shall be obtained individually from as many employees as necessary for the supervisor to immediately determine:

- Type of force used;
- Direction and approximate number of any shots fired by the involved employee(s) and/or suspects, if applicable;
- Location of injured persons, including those in need of medical attention, if any;
- Description of outstanding suspect(s) and his/her direction(s) of travel, time elapsed since the suspect was last seen, and any suspect weapon(s);
- Description and location of any known victims or witnesses;
- Description and location of any known evidence; and,
- Other information as necessary to ensure officer and public safety and assist in the apprehension of outstanding suspect(s).

After obtaining sufficient information, the supervisor shall immediately cause the individual separation of involved/witness employees and order them not to discuss the incident with anyone other than the assigned investigators and the employee's representative(s). Until authorized to do so by the assigned Force Investigation Division (FID) investigator, the supervisor shall direct each involved/witness employee not to: view any media coverage, recordings, or reports of the incident to include television, Digital In-Car Video (DICV), Body Worn Video (BWV), other social media, or any video or audio from any other source; or to communicate information regarding the incident via email, phone, text, Mobile Data Computer or social media. The supervisor shall continue to ensure that those employees remain separated/monitored until interviewed by FID personnel.

In accordance with Special Order No. 12, dated April 28, 2015, entitled Body Worn Video Procedures, and/or Special Order No. 45, dated October 20, 2009, entitled Digital In-Car Video System Use and Deployment, supervisors shall direct involved/witness employees wearing BWV and/or equipped with DICV when to stop their recordings. Within the provisions of these referenced Special Orders, an officer will also be allowed to view his/her video prior to being interviewed.

**Note:** Supervisors involved in the separation, transportation, and monitoring of an involved/witness employee following a Categorical use of force incident shall **not** discuss tactics with that employee.

**795.10 DOCUMENTING THE SEPARATION, TRANSPORTATION, AND MONITORING OF EMPLOYEES.** The actions of each Department employee involved in the separation, transportation and monitoring of employees will be critically evaluated at every Use of Force Review Board.

**Incident Commander's Responsibility.** After a public safety statement has been obtained and all public safety concerns have been addressed (e.g., establishing a perimeter, protecting the crime scene, locating witnesses/evidence, managing the response of additional resources, etc.), the incident commander shall:

- Ensure that supervisors transport previously separated involved/witness employees individually to the location of interview as soon as practicable (If the incident occurs outside the city, an outside law enforcement agency's facility may be used). Separation shall remain in effect until the employee is interviewed by Force Investigation Division (FID);

**Exception:** An involved/witness employee may remain at the scene to identify possible suspects. If this occurs, a supervisor shall accompany the employee at all times.

- Utilize all supervisory resources available as necessary (e.g., from Vice, Gang Enforcement Details, detectives, supervisors from adjacent Areas) to transport and monitor involved/witness employees individually to eliminate the possibility of contaminating their statements prior to their interview by FID; and,
- Ensure that the welfare of each involved/witness employee is addressed.

If logistical problems preclude individual separation of employees (e.g., the number of involved/witness employees exceeds the number of available supervisors), the incident commander shall determine the necessity for deviation from Department procedures. Any deviation shall be documented and justified in the incident commander's daily log (i.e., the Watch Commander's Daily Report, Form 15.80.00, or the Supervisor's Daily Report, Form 15.48.00, as applicable).

**Supervisor's Responsibility.** Any supervisor involved in the separation, transportation, and monitoring of involved/witness employees following a Categorical use of force incident shall advise the incident commander of his/her actions and document them on a Sergeant's Daily Report. Such documentation shall include:

- Date, time, and location the supervisor transported and/or monitored the employee;

- Verification that separation of the employee was maintained before, during, and after he/she was transported to the location of the interview; and,
- Specific setting where the employee was monitored (prior to interview) at the location of interview.

Each involved supervisor shall provide the watch commander with a copy of his/her Supervisor's Daily Report as soon practicable.

**Watch Commander's Responsibility.** In the event that the on-duty watch commander is not acting as the incident commander, the watch commander shall maintain overall accountability for documenting details of the separation, transportation, and monitoring of each involved/witness employee. This information shall be recorded on the Watch Commander's Daily Report as follows:

- Date and time **each** involved/witness employee was transported for interview and by whom;
- Name of all supervisor(s) involved in the monitoring of involved/witness employee(s);
- Deviations from Department procedure, if any; and,
- Any other information of potential interest to FID investigators (e.g., employee was transported to a non-Department facility, a change in personnel monitoring an involved/witness employee due to change of watch, etc.).

Any deviation from procedures shall be addressed in the Watch Commander's Daily Report.

**Note:** A copy of the Watch Commander's Daily Report and all applicable Sergeant's Daily Reports shall be provided to FID as soon as practicable.

## **796. OFFICER - INVOLVED SHOOTINGS/SERIOUS INJURY OR DEATH RESULTING FROM POLICE ACTION - SPECIAL DUTIES.**

**796.01 UPPER BODY CONTROL HOLDS, USE OF FORCE INCIDENTS.** Force Investigation Division shall be responsible for the administrative and criminal investigation of all upper body control hold use of force incidents. Supervisors shall adhere to Department procedures regarding lethal use of force incidents upon being made aware of an upper body control hold incident.

**796.05 INVESTIGATING OFFICER'S RESPONSIBILITY - FORCE INVESTIGATION DIVISION CONTROL NUMBER.** The officer responsible for conducting the administrative investigation of a FID incident shall:

- Obtain a Force Investigation Division (FID) control number from Administrative Section, FID.
- Place the FID control number on all related *administrative* reports.

**Note:** The FID control number shall *not* appear on the reports related to the criminal investigation.

- Prepare and forward a news release to Media Relations Section, Media Relations and Community Affairs Group, Office of Operations, and the Use of Force Review Board Coordinator, Office of Support Services; and,
- In all cases where an individual sustains a gunshot wound, and in other FID cases as appropriate.