

245. EMPLOYEE - INVOLVED USE OF FORCE INCIDENTS.

245.02 OFFICER'S PUBLIC SAFETY STATEMENT - CATEGORICAL USE OF FORCE INCIDENTS. Employees involved in a Categorical use of force shall provide a public safety statement to the first arriving supervisor. The statement shall include, but not be limited to the following:

- Type of force used;
- Direction and approximate number of any shots fired by the involved employee(s) and/or suspect(s), 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 suspects(s).

After providing sufficient information, the employee shall remain separated from other involved/witness employees and shall not discuss the incident with anyone other than the assigned investigators and the employee's representative.

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 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. 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.

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 themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

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

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, or joint lock which does not result in an injury or complained of

injury to the subject;

- The use of a joint lock walk-down or body weight to overcome a subject's passive resistance which does not result in an injury or complained of injury to the subject;
- In a crowd control situation, a use of force report is not required when officer(s) become involved in an incident where force is used to push, move, or strike individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This applies only to officers working in organized squad and platoon sized units directly involved in a crowd control mission. Additionally, should force be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved. The supervisor shall report the action on the Incident Command System (ICS), Form 214 (Activity Log), or as directed by the incident commander. When a suspect has been taken into custody, the booking number or Division of Records (DR) number of the related report shall be cross-referenced on the ICS Form; and,

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.

- The discharge, including tactical discharge, of a projectile weapon (e.g., beanbag shotgun, 37mm or 40mm projectile launcher or Compressor Air Projectile System), electronic control device (Taser), or any chemical dispenser that does not make contact with an individual or their clothing is not a reportable use of force.

Note: Such incidents 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 Personnel and Training Bureau and CIRD for review and retention. A copy can be forwarded to CIRD@lapd.lacity.org.

A use of force report is required when an officer(s) becomes involved in an isolated incident with an individual during a crowd control situation, which goes beyond the mission of the skirmish line.

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 crime report;
- Use an Employee's Report, Form 15.07.00, to report the full details of the use of force incident when a crime or arrest report is **not** required;
- Document the name of the investigating supervisor in the related arrest or crime report, or Employee's Report, under the heading "Additional", and,
- Ensure that all descriptions of suspect's actions and officers' actions are in plain language (versus "aggressive/combatative" etc.).

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 his or her 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.

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 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 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 his/her watch commander or officer in charge and arrange for a reasonable alternative.

- Collect and preserve all appropriate 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 (MWV) when interviewing all non-Department witnesses during all NCUOF Level I and Level II 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 his or her ability to conduct an investigation, or may be inappropriate, because of the witness's physical condition, emotional state, age or other sensitive circumstances (e.g., a victim of rape, incest or other form of sexual assault);
 - Situations where recording would risk the safety of a confidential informant or citizen informant; or,
 - In patient-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, and explanation shall be provided in the NCUOF.

- Determine an initial classification of the NCUOF as either a Level I or Level II 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;
- Form Level I investigations, electronically record the statement of the subject of the use of force and non-Department witnesses;

Note: If during the course of the investigation by Area personnel, a NCUOF incident is reclassified from a Level II to a Level I incident, the investigating supervisor shall attempt to re-interview and electronically record the statement 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 crime 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;

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.

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 OIC reviewing a NCUOF investigation shall document his or her insight in the "Findings" section of the NCUOF Report. As part of this evaluation, watch commanders/OICs shall:

- Evaluate whether or not the force used was objectively reasonable and ensuring that all relevant tactical, use of force, and policy issues are addressed.
- Evaluate each force option used by each officer and determine if it was reasonable based on the actions of the subject of force (i.e., suspect);
- Evaluate the officer’s efforts at tactical de-escalation and provide a rationale if tactical de-

escalation was not 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 crime and/or arrest report or Rmployee's Report), **shall be approved by an on-duty watch commander/OIC or 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 his or her Metro OIC.

245.11 NON - CATEGORICAL USE OF FORCE REPORTING LEVELS. All Non-Categorical use of force incidents shall be initially classified by the investigating supervisor as either a Level I or Level II incident.

Level I Incident. A Non-Categorical use of force 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 injury, such as a broken bone, dislocation, an injury requiring sutures, etc., that does not rise to the level of a Categorical use of force incident; or,

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.

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. Accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account.

Level II Incident. All other reportable Non-Categorical uses of force that do not meet Level I criteria shall be reported as Level II incidents. This will include the use of an impact device or less-lethal munitions **with** hits (Refer to Manual Section 4/245.13 for Level II reporting guidelines).

Note: If the use of an impact device or less-lethal munitions causes a serious injury such as a broken bone, dislocation, or an injury requiring sutures, etc., and does not rise to the level of a Categorical use of force, it shall be reported as a Level I incident. Department employees are reminded that any person struck with a baton shall be transported to a Department approved medical facility for medical treatment prior to booking.

245.12 COMPLETING THE NARRATIVE – LEVEL I INCIDENT. In addition to completing pages 1, 2, and 3 of the Non-Categorical Use of Force Report, Form 01.67.05, supervisors investigating a Level I incident shall prepare and attach a narrative using the following headings:

1. **WITNESS STATEMENT(S).** Supervisors shall interview the subject 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 tape-recorded (not applicable to Department employees); or,
- The person’s account of the use of force is in substantial conflict with the involved employee(s) account.

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

Tape-Recording Witness Statements. Supervisors investigating a **Level I** incident shall tape record statements from the subject of the use of force and all non-Department employee witnesses. Recorded interviews shall be conducted in accordance with Department guidelines established in *Complaint Investigations: A Guide for Supervisors*. If tape recording is not practical or an individual refuses to be tape recorded, the person shall be listed in the narrative under “Witnesses” along with an explanation as to why his/her interview was not tape-recorded and a brief written summary of his/her non-taped statement.

Example: “Janet Jones. This witness agreed to be interviewed on condition that she not be tape-recorded. Jones stated that she did not observe either of the responding officers strike the suspect.”

Tape-recording interviews with Department employees is not required. The related crime and/or arrest report or Form 15.07.00, will serve as documentation of the involved Department employee(s) statement. All tape recordings, including those from personal tape recorders, shall be booked at Technical Investigation Division (TID) and have tape numbers issued. Tape numbers shall be documented in the Non-Categorical Use of Force Report.

Consistent Statements. Statements provided by witnessing Department employees that are consistent with events as depicted in the related report shall be noted. Likewise, if statements provided by non-Department employee witnesses are consistent, this similarly shall be documented.

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.”

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's identifying information.

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. 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 check the box below the signature.

Medical Release Obtained. If a signed Authorization to Release Medical Information Form is obtained, Department personnel shall 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** /btained, 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 him/her 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.

Example: “The suspect declined to sign a 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 he/she was 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. 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 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, 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 any complained of injury location 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.

Photographs taken with a digital camera by Department employees will suffice for recording 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 disks containing photographs shall be placed in an envelope and the envelope marked with the corresponding reference number.

4. 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 witness’s 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.

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, in certain circumstances, required to provide a verbal warning prior to the use of less-lethal force. 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. If no warning was required, no documentation is necessary.

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

- 5. ADDENDA.** Supervisors shall numerically list all addenda items (attachments) to the Non-Categorical Use of Force Report (e.g., 1. Arrest Report 2. Vehicle Impound Report 3. Authorization for Release of Medical Information, 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.

245.13 REPORTING LEVEL II INCIDENTS. The process for documenting/ reporting Level II incidents shall mirror that of a Level I incident, with the following exceptions:

- Tape-recording non-Department employee witnesses is optional;
- 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. 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.”

Note: Discrepancies that constitute a substantial conflict between witness or suspect accounts and the involved employee(s) account shall be reported as a Level I incident.

245.50 DEPLOYMENT OF THE PATROL RIFLE AND SLUG AMMUNITION. Qualified Patrol Rifle or Slug Ammunition personnel may deploy their firearms in field operations, in accordance with Department Manual Sections 3/610.17, Deployment of the Patrol Rifle and 3/611.60 Deployment of Slug Ammunition, as they determine necessary, just as they would any other Department-approved firearm. However, personnel must be able to articulate the reason(s) for drawing, exhibiting and deploying the firearm(s), Patrol Rifle, or Slug Ammunition. The articulable facts justifying the action shall meet the Department’s Use of Force Policy.

Communications Division’s Responsibility. Upon receiving a “Code Robert” request, Communications Division personnel shall:

- Broadcast an all units “Code Robert-UPR” or “Code Robert-Slug” and the location of the request;
- Assign the call to a UPR or SSA equipped unit; and,

- Assign a supervisor to respond.

In most cases, the frequency should remain on stand-by until the incident is resolved or the units move to a tactical frequency.

Responsibility of Personnel Equipped with a Patrol Rifle or Slug Ammunition. Only personnel who are Patrol Rifle or Slug Ammunition trained and certified are authorized to deploy the Patrol Rifle or Slug Ammunition in the field. Personnel who are equipped with the Patrol Rifle or Slug Ammunition shall respond to those requests for a Patrol Rifle or Slug Ammunition as assigned.

Supervisor's Responsibility. A supervisor shall:

- Respond to each "Code Robert" request and take charge of the tactical incident;
- Determine if the incident is within the capability of the unit(s) at scene or if Special Weapons and Tactics (SWAT) Team should be requested; and,
- Make the necessary notifications and follow existing Department policies and procedures if and firearm is discharged.

Watch Commander's Responsibility. Each patrol and traffic watch commander shall ensure that:

- UPR and SSA equipment is available at all times for response to a field incident;
- UPR and SSA trained personnel are deployed on each watch;
- A "UPR" or "SSA" notation is made on the Daily Work Sheet, Form 15.26, and on the Area Command Center Mobile Field Force roster indicating the units which are deployed with a UPR and/or SSA; and,
- A supervisor is dispatched to all "Code Robert" requests.

Commanding Officer's Responsibility. Commanding officers shall maintain a current list of officers within their command who are trained and certified to deploy the Patrol Rifle and/or Slug Ammunition. This roster may be obtained from Training Division.

Training Division's Responsibility. Training Division is responsible for maintaining rosters of the Patrol Rifle and Slug Ammunition Cadres that will indicate whether trained and certified personnel are "Active" or "Inactive." Certified personnel are those who have successfully passed training and comply with the required qualification schedules.