

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 18

October 8, 2020

**SUBJECT: LIABILITY MITIGATION INCIDENT RESPONSE REPORT,
FORM 03.26.00 – ACTIVATED**

BACKGROUND: Every law enforcement-related incident has the potential to result in a legal claim and/or lawsuit against the Department. Incidents involving third-party injuries and/or property damage have historically resulted in a high percentage of lawsuits. As such, it is paramount that officers preserve evidence and thoroughly document each incident. The majority of incidents involving third-party injuries and/or property damage are already administratively investigated, and documented in use of force, pursuit, or traffic collision reports. However, there are other types of incidents that are likely to result in a claim or lawsuit that may not be otherwise documented, such as:

- When officers damage property while forcing entry to a residence;
- When a suspect self-inflicts an injury while in police custody; or,
- When a suspect sustains a non-use of force related injury during a foot pursuit.

Previously, these types of incidents were most commonly documented in a supervisor's log. Citizens have up to a year to file a claim or lawsuit. Sometimes by the time the Department becomes aware of the claim or lawsuit, some, if not all of the evidence or records necessary to defend the lawsuit may be lost or destroyed.

PURPOSE: This Order activates the Liability Mitigation Incident Response Report (LMIRR). This form shall be used in order to provide Legal Affairs Division (LAD) with written documentation pertaining to potential liability-related incidents. The LMIRR should include a very brief synopsis of what occurred (similar to a supervisor's log entry), and identify any potential evidence (e.g., Body Worn Video/Digital In-Car Video) and/or documentation that is available. Investigators from LAD will then take the necessary steps to preserve the evidence. To prepare for potential civil litigation, the Liability Mitigation Incident Response Report, Form 03.26.00, has been created to guide the post-incident documentation process.

**PROCEDURE: LIABILITY MITIGATION INCIDENT RESPONSE REPORT,
FORM 03.26.00 – ACTIVATED**

- A. Use of Form.** This form is to be completed by supervisors from the Area/division of occurrence to document liability incidents not captured in other Department documents such as an administrative investigation or criminal report. Supervisors shall complete the LMIRR and submit it electronically to LAD, LAPDClaimsUnit@lapd.online any time there is third-party property damage over \$500, a subject sustains visible injury while in police custody, or as a result of police action.

Note: When there is a police incident where a citizen suffers serious bodily injury or death that does not already involve an administrative investigation, supervisors shall, in addition to completing the LMIRR, contact the Commanding Officer (CO), LAD to obtain guidance as to what, (if any) further, administrative investigative steps should be taken.

Example 1. Officers force entry through a door causing over \$500 of damage. All suspects are taken into custody without incident. A supervisor completes the LMIRR form and e-mails it to LAD.

Example 2. Officers go in foot pursuit and the suspect breaks his or her leg while jumping over a wall. The suspect is then taken into custody without incident. Since the injury is considered to be serious bodily injury, the supervisor notifies the CO, LAD, and is guided on what additional administrative investigatory steps are necessary. The LMIRR is completed and e-mailed to LAD.

Example 3. While being transported in a police vehicle, a suspect bangs his or her own head against the partition. However, the suspect was previously involved in a use of force and the self-inflicted injuries were addressed in use of force report. No LMIRR is necessary.

B. Completion. Completion of this form is self-explanatory.

C. Distribution.

- 1 – Original, Area/division of occurrence.
- 1 – Copy, scanned and e-mailed to *LAPDClaimsUnit@lapd.online*,
Legal Affairs Division.
- 2 – TOTAL**

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

Should you have any questions regarding this form, please contact the Legal Unit, Legal Affairs Division, Civil Litigation Section, at (213) 978-4081.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

**LOS ANGELES POLICE DEPARTMENT
LIABILITY MITIGATION INCIDENT RESPONSE REPORT**

(If applicable, the following records shall be considered for a claim review.)

E-mail to: LAPDClaimsUnit@lapd.online

| | | | |
|---|-------------------------------|--|----------------------------------|
| Property Damage: Yes No | | Type of injury: | |
| Estimated amount of claim (over \$500): \$ | | None | RA Hospital Dispensary |
| Person completing report: | | Rank and Serial No.: | Date: |
| <u>Brief Narrative of the Incident</u> | | | |
| TYPE OF DOCUMENT/RECORD | DOCUMENT/RECORD NUMBER | DOCUMENT AVAILABLE FOR CLAIM REVIEW | |
| After-Action Report | | Yes | No |
| Analyzed Evidence Report | | Yes | No |
| Arrest Report | Booking No.: | Yes | No |
| Body-Worn Video (BWV) | | Yes | No |
| Digital In-Car Video (DICV) | | Yes | No |
| Booking Photographs | | Yes | No |
| Communications Incident No. | | Yes | No |
| Coroner's Report No. | | Yes | No |
| Court Docket Information | | Yes | No |
| Daily Field Activity Report(s) | (Involved Officers): | Yes | No |
| Employee's Report | | Yes | No |
| Evidence (Coroner's) | Date Hold Placed: | Yes | No |
| Evidence (Department) | Date Hold Placed: | Yes | No |
| Field Interview Report(s) | | Yes | No |
| GCI Report | | Yes | No |
| LAFD Ambulance Records | | Yes | No |
| Medical Treatment Records | Facility: | Yes | No |
| Investigative Report | DR. No.: | Yes | No |
| Related Photographs | C No.: | Yes | No |
| Other Related Reports | DR No.: (if applicable) | Yes | No |
| Search Warrant | | Yes | No |
| Sergeants Log(s) | (Referring to Incident): | Yes | No |
| Watch Commander Log(s) | (Referring to Incident): | Yes | No |

LOS ANGELES POLICE DEPARTMENT
LIABILITY MITIGATION INCIDENT RESPONSE REPORT
E-mail to: LAPDClaimsUnit@lapd.online

ADDITIONAL INFORMATION

| TYPE OF DOCUMENT/RECORD AND/OR NOTES | DOCUMENT AVAILABLE FOR CLAIM REVIEW | |
|--------------------------------------|-------------------------------------|----|
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |
| | Yes | No |