OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 18 August 6, 2020

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON July 14, 2020

SUBJECT: **PROCEDURE – REVISED AND RENAMED; AND, CATEGORICAL USE OF FORCE INVESTIGATIONS – REVISED AND RENAMED**

PURPOSE: The purpose of this Order is to revise policy in order to incorporate police facility in-custody death adjudication protocols following a Categorical Use of Force (CUOF). This Order also updates policy to amend conditions when Force Investigation Division is precluded from completing a CUOF In-Custody death investigation.

PROCEDURE:

I. **PROCEDURE – REVISED AND RENAMED.** Department Manual Section 3/792.10, *Procedure*, has been revised and renamed as *Categorical Use of Force Adjudication Findings*. Attached is the revised Department Manual section with the revisions indicated in italics.

II. **CATEGORICAL USE OF FORCE INVESTIGATIONS – REVISED.** Department Manual Section 3/794.10, *Categorical Use of Force Investigations*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/792.10 and 3/794.10 of the Department Manual.

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.

MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 18, 2020

792.10 CATEGORICAL USE OF FORCE ADJUDICATION FINDINGS. Tactics, drawing and exhibiting a firearm and use of force shall be evaluated during the *Categorical Use of Force (*CUOF) adjudication process. The Use of Force Review Board (UOFRB) shall convene and evaluate the CUOF incident. The UOFRB shall make recommendations to the *Chief of Police (*COP*)*. The *COP* shall evaluate the CUOF incident and report his *or* her recommendations to the Board of Police Commissioners (BOPC). The *BOPC* will evaluate the CUOF incident and make findings consistent with the following:

Adjudication Area	Finding	Outcome
Tactics	*Tactical* Debrief	Tactical Debrief, and additional training if needed
	Administrative Disapproval	Tactical Debrief and one or more of the following: ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint
Drawing and Exhibiting *a* Firearm	In *P*olicy – No Further Action	Tactical Debrief
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint
Use of Force	In *P*olicy – No Further Action	Tactical Debrief
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint

Police Facility In-Custody Death Adjudication Protocol. *If the In-Custody Death (ICD) occurs in a Police Facility, in addition to the above listed Categorical Use of Force Adjudication Findings, inmate intake procedures, inmate welfare procedures, inmate emergency medical procedures, and post in-custody death procedures, shall be evaluated during the CUOF adjudication process, when applicable. This evaluation shall include the substantially involved sworn and civilian Department employees that fulfilled a custody role in relation to the incident, including those assigned to Custody Services Division. The UOFRB shall convene and evaluate the CUOF incident. The UOFRB shall make recommendations to the COP. The COP will evaluate the CUOF incident and report his or her recommendations to the BOPC. The BOPC will evaluate the CUOF incident and make findings consistent with the following:*

Adjudication Area	*Finding*	*Outcome*
Inmate Intake Procedures • *Custody Transfer Communication (between law enforcement personnel and CSD personnel)* • *Booking process* • *Juvenile Booking Procedures (when applicable)* • *Classification/Segregation* • *Medical Screening* • *Suicide Prevention*	*Consistent with Established Criteria*	*Tactical Debrief and additional training if needed*
	Not Consistent with Established Criteria	*Tactical Debrief and one or more of the following:* ▪ *Extensive retraining* ▪ *Notice to Correct Deficiencies* ▪ *Personnel Complaint*
Inmate Welfare Procedures • *Safety Checks* • *Pill/Sick Calls* • *Dispensary Visits* • *Cameras and Monitoring*	*Consistent with Established Criteria*	*Tactical Debrief*
	Not Consistent with Established Criteria	*Tactical Debrief and one or more of the following:* ▪ *Extensive retraining* ▪ *Notice to Correct Deficiencies* ▪ *Personnel Complaint*
Inmate Emergency Medical Procedures • *Notification* • *Cell Entry* • *Medical Assistance* • *Rescue Ambulance Request*	*Consistent with Established Criteria*	*Tactical Debrief*
	Not Consistent with Established Criteria	*Tactical Debrief and one or more of the following:* ▪ *Extensive retraining* ▪ *Notice to Correct Deficiencies* ▪ *Personnel Complaint*
Post In-Custody Death Procedures • *Notifications* • *Title 15, 30-Day Review*	*Consistent with Established Criteria*	*Tactical Debrief*
	Not Consistent with Established Criteria	*Tactical Debrief and one or more of the following:* ▪ *Extensive retraining* ▪ *Notice to Correct Deficiencies* ▪ *Personnel Complaint*

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 *other* non-Department entities, such as *the* Los Angeles Fire Department Arson Unit, *the* Los Angeles World Airport Police, and other non-City entities (e.g., *University of California, Los Angeles/University of Southern California* Department *of Public Safety*, and Cal State University Northridge, Department of Police Services).

In-Custody Deaths. 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 *which would rise to the level of negligence or risk/management issues associated with the incident to include: commission of a criminal offense, neglect of duty, violation of Department policies, rules, or procedures, conduct which may tend to reflect unfavorably upon the employee or the Department*;
- 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 *or* her section lieutenant and receive approval to close out the incident *via a* 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 *shall* 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, *Critical Incident Review Division (CIRD)*, for concurrence. Simultaneously, the CO, FID, will forward an informational copy to the Office of the Inspector General *(OIG)*.

Once concurrence is obtained from the CO, *CIRD*, 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.

The Remainder of this Section Remains Unchanged.