

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 29

December 9, 2020

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON December 8, 2020

**SUBJECT: OFFICER-INVOLVED SHOOTINGS OR IN-CUSTODY DEATHS (ICD) OR INJURY – CONFIDENTIAL REPORTS; DEFINITIONS-CATEGORICAL USE OF FORCE; DEPARTMENT OPERATIONS CENTER NOTIFICATION – REVISED; AND, MISCELLANEOUS DEPARTMENT MANUAL SECTIONS PERTAINING TO THE PROCEDURES FOR INVESTIGATING, REVIEWING AND ADJUDICATING CATEGORICAL USE OF FORCE INCIDENTS – RENAMED AND/OR REVISED, OR DELETED**

**PURPOSE:** On June 8, 2020, the Board of Police Commissioners (BOPC) placed a moratorium on the use of the Carotid Restraint Control Hold (CRCH). On July 14, 2020, the BOPC voted to rescind the Department's Tactical Directive on CRCH, thereby banning CRCH in the Los Angeles Police Department. On August 31, 2020, the California State Assembly approved Assembly Bill 1196, which becomes effective on January 1, 2021.

This Bill prohibits a law enforcement agency from authorizing the use of a carotid restraint or choke hold by any peace officer employed by that agency. Assembly Bill 1196 defines "Carotid Restraint" as "*a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.*" "Choke Hold" is defined by this section as "*any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.*"

The purposes of this Order are to revise various Department Manual sections pertaining to carotid restraints in accordance with the new law, as well as to revise, rename, and delete specific Categorical Use of Force (CUOF) Department Manual sections.

**PROCEDURE:**

- I. OFFICER-INVOLVED SHOOTINGS OR IN – CUSTODY DEATHS (ICD) OR INJURY – CONFIDENTIAL REPORTS – REVISED.** Department Manual Section 3/409.20, *Officer-Involved Shootings or In-Custody Deaths (ICD) or Injury - Confidential Reports*, has been revised and is attached with the revisions indicated in italics.
- II. DEFINITIONS – CATEGORICAL USE OF FORCE – REVISED.** Department Manual Section 3/792.05, *Definitions – Categorical Use of Force*, has been revised and is attached with the revisions indicated in italics.
- III. CATEGORICAL USE OF FORCE INVESTIGATION ADMINISTRATIVE STATUTE DEADLINE – REVISED.** Department Manual Section 3/792.06, *Categorical Use of Force Investigation Administrative Statute Deadline*, has been revised and is attached with the revisions indicated in italics.
- IV. TACTICAL DEBRIEF – REVISED.** Department Manual Section 3/792.15, *Tactical Debrief*, has been revised and is attached with the revisions indicated in italics.

- V. **ADMINISTRATIVE DISAPPROVAL (TACTICS, DRAWING AND EXHIBITING OR USE OF FORCE) – REVISED.** Department Manual Section 3/792.20, *Administrative Disapproval (Tactics, Drawing and Exhibiting or Use of Force)*, has been revised and is attached with the revisions indicated in italics.
- VI. **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 – REVISED.** Department Manual Section 3/794.40, *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*, has been revised and is attached with the revisions indicated in italics.
- VII. **COMMANDING OFFICER’S REVIEW OF CATEGORICAL USE OF FORCE REVIEW BOARD INCIDENTS – RENAMED AND REVISED.** Department Manual Section 3/796.25, *Commanding Officer’s Review of a Categorical Use of Force Review Board Incidents*, has been renamed, revised and is attached with the revisions indicated in italics.
- VIII. **UNINTENTIONAL DISCHARGES, APPLICATION; AND, RESPONSIBILITY OF INVOLVED EMPLOYEE’S AREA/DIVISION – DELETED.** Department Manual Sections 3/792.25, *Unintentional Discharges*, 3/792.30, *Application* and 3/796.20, *Responsibility of Involved Employee’s Area/Division*, have been deleted. These procedures have been delineated in other manual sections.
- IX. **PROCEDURES FOR COORDINATING DIRECTED TRAINING – RENAMED AND REVISED.** Department Manual Section 3/796.35, *Procedures for Coordinating Directed Training*, has been renamed, *General Training Update*, and has been revised and is attached with the revisions indicated in italics.
- X. **DEPARTMENT OPERATIONS CENTER NOTIFICATION – REVISED.** Department Manual Section 4/214.50, *Department Operations Center Notification*, has been revised and is attached with the revisions indicated in italics.

**AMENDMENTS:** This Order amends Sections 3/409.20, 3/792.05, 3/792.06, 3/792.15, 3/792.20, 3/794.40, 3/796.25, 3/796.35; and; 4/214.50, and, deletes Sections 3/792.25, 3/792.30, and 3/796.20 from 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”

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**409.20 OFFICER - INVOLVED SHOOTING OR IN - CUSTODY DEATHS (ICD) OR INJURY - CONFIDENTIAL REPORTS.** The original and all copies of the final administrative report of the following incidents *shall* be marked "Confidential." The Commanding Officer, Force Investigation Division, 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:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- *All uses of a carotid restraint or choke hold;*

*Note: A carotid restraint is defined "as a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person." A choke hold is defined as "any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe";*

*Note: The Department does not authorize the use of upper body control holds, including the use of a modified carotid, full carotid, or locked carotid hold; therefore, any use is unauthorized and shall be investigated as a categorical use of force.*

- All deaths while the arrestee or detainee is in the custodial care of the Department;
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization;
- All *intentional* head strikes with an impact weapon or device (e.g., baton, flashlight) and all *unintentional (inadvertent or accidental)* head strikes that result in serious bodily injury (as defined below), hospitalization or death;

*Note: Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:*

- *Loss of consciousness;*
- *Concussion;*
- *Bone fracture;*
- *Protracted loss or impairment of function of any bodily member or organ;*
- *A wound requiring extensive suturing; and,*
- *Serious disfigurement.*

*Note: All other unintentional head strikes shall be investigated as Level I Non-Categorical Use of force (NCUOF) incidents.*



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- An incident in which a member of the public is bitten by a Department canine and hospitalization is required; and,
- Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

**Note.** All In-Custody Deaths (*ICDs*) formerly referred to as *Law Enforcement Activity Related Death* (LEARD) incidents will now be referred to as ICD incidents.

**Exception:** Related crime and arrest reports *shall* be marked and regarded as confidential but distributed in the normal manner.

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**792.05 DEFINITIONS.**

**Categorical Use of Force:** *A Categorical Use of Force (CUOF) is defined as:*

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All deaths while the arrestee or detainee is in the custody of the Department [also known as an In-Custody Death (ICD)];
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury (LERI);
- Officer-involved animal shootings;
- Unintentional discharges;
- *A K-9 bite or contact where hospitalization is required;*

*Note: A K-9 contact occurs when a Department K-9 strikes or makes forcible contact with a person other than a bite that results in a complained of or visible injury.*

- *All uses of a carotid restraint and choke hold; and,*

*Note: A carotid restraint is defined as “a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.” A choke hold is defined as “any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe.”*

*Note: The Department does not authorize the use of upper body control holds, including the use of a modified carotid, full carotid, or locked carotid hold; therefore, any use is unauthorized and shall be investigated as a categorical use of force.*

- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight) and all unintentional (inadvertent or accidental) head strikes that result in serious bodily injury, *(as defined below)*, hospitalization or death.

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- Loss of consciousness;
- Concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

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*Note:* All other unintentional head strikes shall be investigated as Level I *Non-Categorical Use of Force* (NCUOF) incidents.

**Substantially Involved:** The term “substantially involved” includes the employee(s) applying force or who had a significant tactical or decision-making role in the incident.

**72-Hour Brief:** The briefing for the Chief of Police (COP) and other concerned command staff regarding the preliminary information about a CUOF incident.

**General Training Update:** *Generalized* training provided by *In-Service* Training Division (ISTD) personnel, to personnel *substantially* involved in a CUOF incident, *or as directed by the COP*. The General Training Update (GTU) is not an inquiry into the specific details of the CUOF *incident*. The intent of the update is to provide involved personnel with *general* training *on the material areas of the incident (e.g., foot pursuit, vehicle pursuit) including* tactical issues and actions readily identified in the CUOF incident as well as an update on the Use of Force policy. (Refer to Department Manual Section 3/796.35 for *additional information regarding the GTU.*)

**Categorical Use of Force Debrief Facilitator:** A Categorical Use of Force Debrief Facilitator *shall* be a Department recognized expert appointed by the COP to conduct the Tactical Debrief of *substantially* involved personnel.

**Unintentional Discharge:** The unintentional discharge of a firearm regardless of cause. Unintentional discharges are evaluated *and* then determined to be *Tactical or Non-Tactical*. *During the adjudication, they are then classified as “Accidental Discharges” or “Negligent Discharges.”*

***Tactical Unintentional Discharge:*** *Any unintentional discharge of a firearm that occurs during a tactical situation (e.g., warrant service, building search).*

***Non-Tactical Unintentional Discharge:*** *Any unintentional discharge of a firearm that does not occur during a tactical situation.*

***Accidental Discharge:*** *The determination that the unintentional discharge of a firearm resulted from an accident such as a firearm malfunction or other mechanical failure, not the result of operator error.*

***Negligent Discharge:*** *The determination that the unintentional discharge of a firearm resulted from operator error, or negligence, such as the violation of a firearm safety rule.*

**Drawing and Exhibiting and/or Use of Force – Administrative Disapproval – Out of Policy:** *A finding, supported by a preponderance of the evidence, that the actions of the employee relative to drawing and exhibiting a firearm or use of force were not within the applicable Department’s policies.*



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**Extensive Retraining:** Formal training on identified areas or concerns completed by *ISTD*, subsequent to a finding of Administrative Disapproval on Tactics or Administrative Disapproval – Out of Policy on Drawing and Exhibiting or Use of Force.

**Drawing and Exhibiting and Use of Force – In-Policy – No Further Action:** A finding, supported by a preponderance of the evidence, that the actions of the employee relative to drawing and exhibiting a firearm or use of force were within the *applicable* Department policies.

**Tactics – Administrative Disapproval:** A finding, supported by a preponderance of the evidence, that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training.

**Tactics – Tactical Debrief:** A finding, *supported by a preponderance of the evidence, that the tactics employed during a CUOF incident did not unjustifiably and substantially deviate from Department approved tactical training.*

**Tactical Debrief:** The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could be improved. *The intent of a Tactical Debrief is to enhance future performance by reviewing and analyzing Department-wide training, practices, policies and procedures. The Tactical Debrief analysis shall not focus on, or document findings, recommendations, or analysis of individual employees or the incident. (Refer to Department Manual Section 3/792.15 for additional information regarding the Tactical Debrief.)*

**792.06 CATEGORICAL USE OF FORCE INVESTIGATION ADMINISTRATIVE STATUTE DEADLINE.** To ensure that a categorical use of force (CUOF) is properly reviewed and adjudicated in a timely manner, the Chief of Police (*COP*) shall submit all CUOF recommended administrative findings to the Board of Police Commissioners (BOPC) 60 calendar days prior to the administrative statute of limitations (*SOL*) date. The *administrative SOL* date is either one year from the date the CUOF incident is reported to a Department supervisor or *from* the amended *administrative SOL* date. If the *administrative SOL* date is amended due to tolling, the Commanding Officer (CO), *Force Investigation Division*, shall provide the BOPC with the amended *administrative SOL* date.

The *COP* will submit correspondence to the BOPC, detailing the recommended administrative findings 60 calendar days prior to the administrative *SOL* date, unless sufficient cause exists for an extension of that deadline. Grounds for such extension are as follows:

- The *Force Investigation Division* (FID) investigation has not been completed within 125 calendar days prior to the administrative *SOL* date, causing delay in the review and *Use of Force Review Board* (UOFRB) process; or,
- *Critical Incident Review Division* (CIRD); the Director, Office of Support Services; or the *COP* identifies a need for additional or supplemental investigation.

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*When FID anticipates that its investigation will not be submitted within 125 days of the administrative SOL date the CO, FID, shall provide the BOPC with an explanation for the delay and an estimated completion date. When such delay occurs during the review period as a result of the need for additional or supplemental investigation, the CO, CIRD, shall provide the BOPC with an explanation for the extension and an estimated completion date.*

**792.15 TACTICAL DEBRIEF.** *A Tactical Debrief shall be conducted for all Categorical Use of Force (CUOF) incidents within 90 calendar days of the conclusion of the Board of Police Commissioners (BOPC) review process.*

During the CUOF adjudication process, the Use of Force Review Board (UOFRB), Chief of Police (COP), and the BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Critical Incident Review Division (CIRD) shall compile the list of issues to be covered, provide it to the CUOF Debrief Facilitator, and track the Tactical Debrief Facilitation process.

The CUOF Debrief Facilitator shall conduct the Tactical Debrief with the *substantially involved* personnel and any other personnel identified by the COP or BOPC and shall be responsible for presenting the fact pattern of the case and leading a facilitated discussion on the training, tactics, force, and leadership issues applicable to the incident. The CUOF Debrief Facilitator will present those tactical practices identified by the adjudication process as “strengths” and “lessons learned” so that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall include training in the areas of *tactics*, drawing and exhibiting a firearm, and use of force.

The CUOF Debrief Facilitator shall summarize the Tactical Debrief analysis on an Intradepartmental Correspondence, Form 15.02.00, and within 21 calendar days forward it to CIRD, Training Division, and Force Investigation Division, who shall collect and analyze the results to further enhance adjudication, training, and critical incident investigations. In some circumstances, the UOFRB, COP, or BOPC may identify additional specific individual training needs for employees not identified during the 72-Hour Brief. In those cases, training shall be provided in addition to the Tactical Debrief. The intent of the additional training is to enhance future performance and is not to be considered punitive.

The CUOF Debrief Facilitator shall ensure that the Tactical Debrief is recorded on the involved employees' TEAMS II Report, using the Learning Management System (LMS) code for the Tactical Debrief.

**792.20 ADMINISTRATIVE DISAPPROVAL (TACTICS, DRAWING AND EXHIBITING OR USE OF FORCE).** When the Board of Police Commissioners (BOPC) finds that an employee's actions (tactics, drawing and exhibiting, or use of force) should be classified as “Administrative Disapproval,” the matter will be referred back to the Department for the appropriate remedial action. *The remedial action taken shall be completed within 90 days. The Chief of Police (COP) shall specify in writing the specific recommended remedial actions and state why they expect that the remedial actions will reduce the risk of the officer repeating the disapproved behavior. Such remedial actions may include:*