**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"

**DEPARTMENT MANUAL**
**VOLUME III**
**Revised by Special Order No. 29, 2020**

**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.*

- 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.

**DEPARTMENT MANUAL**
**VOLUME III**
**Revised by Special Order No. 29, 2020**

## 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,
  - *S*erious disfigurement.

***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 result*ed 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 f*inding, 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.

**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.

*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:

- Completion of Extensive Retraining;
- Notice to Correct Deficiencies; *Form General 78;* and/or,
- Personnel Complaint *Investigation, Form 01.28.00.*

*In certain circumstances, it may be appropriate for the Department to initiate a personnel complaint or a Notice to Correct Deficiencies. Those instances may include when routine training clearly would not be appropriate or has already been provided and proven ineffective, or the employee intentionally disregarded policy or procedure. In some cases, an extensive retraining program may be appropriate when the employee clearly displayed a lack of aptitude or understanding of the circumstances resulting in a CUOF incident.*

*When* the BOPC does not adopt the recommendations of the COP regarding tactics, drawing and exhibiting, or use of force, the BOPC will provide a written rationale for the finding. The findings of the BOPC are final in the CUOF administrative adjudication process.

**Note:** This *procedure* does not affect the right of grievance, Boards of Rights, or other legal remedies or appeals processes.

## 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 Responsibilit*ies* – 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 *U*se of *F*orce 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 (TEAMS) 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 *Board of* Police Commissione*rs*, for the details on a prior shooting or a *C*ategorical *U*se of *F*orce*; and,*

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 *C*ategorical *U*se of *F*orce resulting in death or the substantial possibility of death shall:

- Notify BSS within two *business* 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 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 appointments; 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 *calendar* 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 *c*ategorical use of force resulting in death or the substantial possibility of death shall submit an Intradepartmental Correspondence, via *his or her* chain of command, to the Chair of the Use of Force Review Board confirming compliance with these guidelines. The *Intradepartmental Correspondence* shall include:

- The date of the incident;
- The date*s* of the officer's BSS visit*s*;
- 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 *Intradepartmental Correspondence* shall be submitted every 30 *calendar* days thereafter indicating specific assignment(s) of the involved employee pending his *or* 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 *C*ategorical *U*se of *F*orce 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.

**796.25 *EMPLOYEE'S* COMMANDING OFFICER'S REVIEW OF CATEGORICAL USE OF FORCE.** In order to provide an unbiased and informed presentation of a Categorical Use of Force (CUOF) incident to the Use of Force Review Board (UOFRB), it is essential that commanding officers are familiar with the incident they are presenting and have clarification on all issues of concern. In order to accomplish this, commanding officers must thoroughly review the investigation conducted by Force Investigation Division (FID).

Upon notification from the *UOFRB*, the commanding officer of the *substantially* involved employee shall:

- *Conduct a thorough review of the FID investigation and supporting documents*; *and,*
- *Review the* employee's work history, including information contained in the Training Evaluation and Management System (TEAMS), and the employee's *Use of Force* history, including *the disposition (findings and outcome) of each incident.*

Commanding officers shall also participate in a walkthrough of the incident with the *substantially* involved officer(s) before making the presentation to the *UOFRB unless extenuating circumstances prohibit it. It is advisable that the* walkthrough be conducted at the same location *and at a time that most closely replicates the conditions present for the officers during the incident.*

***Note:*** *Prior to the walkthrough, officers shall be advised of their right to representation and be provided reasonable time to obtain such representation.*

The walkthrough should be used to clarify issues that arise from the FID investigation *and to gain any additional insight about the facts and circumstances of the event that may be relevant to the commanding officer's presentation at the UOFRB.* Any fact pattern, *evidence* or statement*(s)* identified during a walkthrough that *are* substantially different than the information contained in the FID investigation shall be documented on an Intradepartmental Correspondence, Form 15.02.00, and forwarded to the Commanding Officer *(CO)*, FID, *the CO, Critical Incident*

*Review Division, (CIRD) and copied to the Chair, UOFRB.* This correspondence should be as specific and detailed as possible and include references to those sections of the FID Report that differ from the new information. Commanding officers are strongly encouraged to review the PowerPoint presentation with the *FID* investigator *and discuss the incident with CIRD* prior to *their presentation at the UOFRB. Commanding officers shall attend* the *UOFRB and make a presentation to include recommended findings in each area including:*

- *Use of Force (all);*
- *Drawing and Exhibiting a Firearm (substantially involved employees);*
- *Tactics; and,*
- *Any other relevant areas (Department concerns, etc.).*

*During his or her presentation, the commanding officer shall provide a rationale for each of the recommendations.*

*After final adjudication of the incident, and upon* receiving a *Categorical* Use of Force Internal Process Report *(IPR)*, Form 01.67.01, from *CIRD*, the employee's commanding officer shall *meet with each substantially involved employee to:*

- *Discuss the adjudication by the Board of Police Commissioners;*
- *Provide each employee(s)with a copy of the Intradepartmental Correspondence (Chief of Police Report), regarding the CUOF;*
- *Provide each substantially involved employee with only his or her CUOF IPR, prior to the employee's attendance at the mandatory Tactical Debrief;*
- *Discuss any appeal rights, or rights to respond with the employee related to any adverse findings when applicable; and,*
- *Ensure the employee has attended the three mandated BSS appointments.*

*After the meeting(s), the commanding officer shall complete and return the completed IPR(s) to CIRD for final closure.*

**796.35 GENERAL TRAINING UPDATE.**

***General Training Update* – Commanding Officer's Responsibilities.** The Area/division commanding officer *(CO)* of any employee who is substantially involved in a Categorical Use of Force (CUOF) incident shall:

- Identify those personnel who were substantially involved in the event;
- Determine the relevant General Training Update (GTU) subjects applicable to the tactical and training issues identified during the Chief of Police (COP) 72-Hour Briefing, to include, at a minimum, the following mandatory subjects:

  * Use of Force Policy;
  * Reverence for Human Life;
  * Tactical De-Escalation Techniques;

* Command and Control;
* Equipment Required/Maintained;
* Reality-Based Training/Force Option Simulator (FOS) [Only if the employee discharged his or her firearm during an Officer-Involved Shooting (OIS) other than an Unintentional Discharge]; *and,*

**Note:** The FOS training shall include scenarios that *most* closely replicate the conditions present for the officer(s) during the actual incident.

**Note:** In the event there is no COP 72-Hour Briefing, confer with the Office of Support Services representative.

- *Ensure that all substantially involved personnel attend the GTU.*

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

**Commanding Officer, *In-Service* Training Division, Responsibilities.** *In-Service* Training Division *(IS*TD*)* is designated to conduct the GTU. *T*he CO, *IS*TD, shall:

- Ensure that *IS*TD staff provides only the GTU on the identified subject matter and does not conduct interviews of the officers to determine specific facts related to the incident;

  **Note:** The respective Area and Bureau Training Coordinators shall attend and participate in the delivery of the GTU, and provide feedback to the CO.

  ***Note:*** *If the GTU is not completed within 90 days, forward an Intradepartmental Correspondence, Form 15.02.00, to Critical Incident Review Division (CIRD) noting the reason for the delay and provide an update every 30 days until the completion of the GTU. If the substantially involved employee is on a long/short term leave of absence, the GTU shall be completed within 45 days of his or her return to duty.*

- Ensure that the GTU conducted by ISTD personnel is correctly entered into the identified employee's Learning Management System (LMS) within Training Evaluation and Management System (TEAMS) II, and that the entry states "General Training Update" and includes the applicable *Force Investigation Division* Case Number or applicable tracking number; and,
- Forward an Intradepartmental Correspondence to CIRD noting the GTU was completed and a TEAMS II entry was made for the substantially involved employee(s).

**DEPARTMENT MANUAL**
**VOLUME IV**
**Revised by Special Order No. 29, 2020**

**214.50 DEPARTMENT OPERATIONS CENTER NOTIFICATION.** The following incidents require notification to Department Operations Center (DOC):

**Categorical Use of Force *Incidents.***

- 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 is 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 or 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.

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

**Autopsy Notifications.** When notified by the coroner's office of a scheduled autopsy, DOC will make the necessary notification to the investigating officer (I/O). When DOC is unable to contact the I/O, DOC *shall* notify a person in the I/O's chain of command (such notification *shall* begin with the I/O's officer in charge and progress upward until contact is made with a person in the I/O's chain of command).

**Patrol Related Incidents.**

- Barricaded suspect or SWAT call-out;
- Bomb Squad call-out;
- CARE/AMBER Alerts;
- All homicides;
- All pursuits;
- Shootings in which any person(s) are wounded;
- Incidents motivated by hatred (DR Number is required prior to notification);
- Perimeters involving outstanding suspects;
- Bank Robberies;
- Take-Over Robberies;
- Stranger Rapes; and,
- All Critical Missing persons.

**Traffic Incidents.**

- Fatal Traffic Collisions;
- Traffic collisions involving multiple victims with serious injuries;
- Traffic collisions involving children under 15 years of age with serious injuries*; and,*
- Unusual/Major Occurrences.

**Unusual/Major Occurrences.**

- Major demonstrations or mass arrests;
- Disasters including chemical spills, gas main leaks or breaks, major fires or disturbances, aircraft accidents;
- Department Operations Center (DOC) activation or deactivation;
- City Emergency Operations Center (EOC) activation or deactivation;
- Incident Command Post activation at the scene of a noteworthy or newsworthy incident;
- Incidents involving hazardous/toxic/radioactive materials;
- Citywide Tactical Alerts; and,
- Acts of Terrorism.

**Incidents Involving Department Personnel.**

- Alleged serious misconduct or arrest of Department employee(s);
- Death or hospitalization of Department employee(s);
- Death or serious illness/injury to immediate family member of a Department employee;
- Rescue Ambulance Transport of on-Duty Personnel; and,
- Negligent discharge of a firearm.

**Other Notable Incidents.**

- Extensive damage to Department equipment;
- Newsworthy incident involving the Department in any way;
- Other incident that an officer in charge or watch commander feels should be brought to the attention of the Department;
- Occupational related death or life-threatening injury at a workplace, or a serious environmental incident (requires DOC to notify the Los Angeles District Attorney Command Center); and,
- Incidents involving celebrities or noteworthy persons of interest.

**Note:** All personnel are encouraged to call DOC at any time they are in doubt as to whether or not an incident requires notification.

**Officer's Responsibilities.** The senior officer at the scene of an incident requiring DOC notification *shall* request a supervisor to respond to the scene.

**Supervisor's Responsibilities.** The first supervisor to respond to an incident requiring DOC notification *shall* ensure their watch commander and DOC have been apprised of the incident as soon as practical and document the incident in a Sergeant's Daily Report, Form 15.48.00.

**Watch Commander's Responsibilities.** Upon learning of a reportable incident, the watch commander or officer in charge *shall* ensure that DOC has been notified and document the incident in a Watch Commander's Daily Report, Form 15.80.00.