

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 19

NOVEMBER 4, 2021

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON OCTOBER 19, 2021

SUBJECT: CATEGORICAL USE OF FORCE INVESTIGATIONS – REVISED

PURPOSE: This Order revises Department Manual Section 3/794.10, *Categorical Use of Force Investigations*, in order to extend the investigative deadline for Force Investigation Division, when utilizing the Officer-Involved Firearm Discharge Investigation, Form 01.67.08, for animal shootings and non-tactical unintentional discharges, from 60 days to 120 days. This extension will allow for additional time to complete these complex investigations including the review of Digital In-Car Video, Body Worn Video and witness interviews.

PROCEDURE: Attached is the revised Department Manual Section 3/794.10, *Categorical Use of Force Investigations*, with the revisions indicated in italics.

AMENDMENT: This Order amends Section 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

Attachment

DISTRIBUTION "D"

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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.

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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.

Animal Shootings and Non-Tactical Unintentional Discharges of Firearms. Upon responding to a use of force incident involving an animal shooting or a non-tactical unintentional discharge (defined in Manual Section 3/792.05), all Department employees must presume that a CUOF has occurred and follow all CUOF protocols.

Exception: Procedures are detailed below regarding investigations of off-duty animal shootings in rural areas that meet the specified criteria.

Force Investigation Division is responsible for investigating any on/off-duty animal shooting and unintentional discharge. An Officer-Involved Firearm Discharge Investigation, Form 01.67.08, may be used to document tactical or non-tactical unintentional discharges and animal shootings if all of the following criteria exist:

- No injuries to person(s);
- No misconduct involved other than the unintentional discharge;
- No violations of Department policy and/or procedure (other than a violation associated with the unintentional discharge); and,
- No significant conflicts in witness statements or evidence.

Note: If any of the above criteria are not met, the CUOF investigation *shall* be handled and documented utilizing existing CUOF procedures.

The initial determination of whether the Form 01.67.08 will be used to document the investigation will be made by the on-call FID lieutenant. The final determination will be made by the CO, FID. The COP retains the authority to determine the reporting method.

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The on-call FID lieutenant will send the required resources from FID to conduct the investigation with the support of personnel from the involved employee's command or personnel from the Area of occurrence. An FID investigator will complete the Form 01.67.08, and submit the report to the CO, FID, for approval. The CO, FID, will forward the approved report to the CIRD within 120 calendar days of the incident. In addition, the CO, FID, will forward a copy of the investigation to the involved employee's CO and to his *or* her bureau for review.

Note: If additional time is required to complete the investigation, the CO, FID, must submit an Intradepartmental Correspondence to the CO, CIRD, explaining the reason for the delay and the anticipated date of its completion. The CO, FID, will forward a copy of the Intradepartmental Correspondence to the involved employee's Area/division and bureau commanding officer.

The remainder of this section remains the same.

FORM USE LINK

01.67.08 INVESTIGATION OF OFFICER INVOLVED ANIMAL SHOOTING AND NON-TACTICAL UNINTENTIONAL DISCHARGE OF A FIREARM REPORT, FORM 01.67.08

01.67.08-01 Use of Form. This form is used to report an animal shooting and/or non-tactical unintentional discharge (UD) of a firearm by an employee.

01.67.08-10 Completion. This form shall be completed by the assigned investigator from Force Investigation Division (*FID*) for an officer-involved animal shooting and/or UD. Completion of the form is self-explanatory.

01.67.08-80 Distribution. The original Investigation of an Officer Involved Animal Shooting and Non-Tactical Unintentional Discharge of a Firearm Report, Form 01.67.08, shall be forwarded from FID to *Critical Incident Review Division (CIRD)*. Upon the approval by the Commanding Officer, *CIRD*, the report shall be forwarded to the Director, Office of *Support Services (OSS)* for review. Upon the approval by the OSS, the report shall be forwarded to the Office of the Chief of Police (OCOP). Upon the review and recommendation by the Chief of Police (COP), *CIRD* shall distribute copies of the report as follows:

- 1- Original, Commanding Officer, *CIRD*.
- 1- Copy, involved employee's Area/division commanding officer.
- 1- Copy, involved employee's bureau commanding officer.
- 1- Copy, Board of Police Commissioners.
- 1- Copy, Office of the Inspector General.

5- TOTAL

Upon review and findings by the Board of Police Commissioners, *CIRD* shall distribute copies of the final report as follows:

- 1- Copy, Training Bureau .
- 1- Copy, Force Investigation Division.
- 1- Copy, employee's bureau commanding officer (for distribution to involved Area /division).

3- TOTAL