

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

3/792.10 PROCEDURE

~~**792.10 CATEGORICAL USE OF FORCE ADJUDICATION FINDINGS.**~~ **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 ~~for each substantially involved employee.~~ The Use of Force Review Board (UOFRB) shall convene and evaluate the CUOF incident (~~Department Manual Section 2/092.55~~). The UOFRB shall make recommendations to ~~the and make adjudication recommendations to~~ the *Chief of Police* (COP). The *COP* shall evaluate the CUOF incident and report his or her ~~adjudication~~ 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	<i>Tactical Debrief</i>	Tactical Debrief, to include and additional training if needed
	Administrative Disapproval	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint
Drawing and Exhibiting a Firearm	In Policy – No Further Action	Tactical Debrief, to include additional training if needed
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint
Use of Force	In Policy – No Further Action	Tactical Debrief, to include additional training if needed
	Administrative Disapproval – Out of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> ▪ 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

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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:

<i>Adjudication Area</i>	<i>Finding</i>	<i>Outcome</i>
<i>Inmate Intake Procedures</i>	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief and additional training if needed</i>
<ul style="list-style-type: none"> • <i>Custody Transfer Communication (between law enforcement personnel and CSD personnel)</i> • <i>Booking process</i> • <i>Juvenile Booking Procedures (when applicable)</i> • <i>Classification/Segregation</i> • <i>Medical Screening</i> • <i>Suicide Prevention</i> 	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> <ul style="list-style-type: none"> ▪ <i>Extensive retraining</i> ▪ <i>Notice to Correct Deficiencies</i> ▪ <i>Personnel Complaint</i>
<i>Inmate Welfare Procedures</i>	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief</i>
<ul style="list-style-type: none"> • <i>Safety Checks</i> • <i>Pill/Sick Calls</i> • <i>Dispensary Visits</i> • <i>Cameras and Monitoring</i> 	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> <ul style="list-style-type: none"> ▪ <i>Extensive retraining</i> ▪ <i>Notice to Correct Deficiencies</i> ▪ <i>Personnel Complaint</i>

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<i>Inmate Emergency Medical Procedures</i> <ul style="list-style-type: none"> • Notification • Cell Entry • Medical Assistance • Rescue Ambulance Request 	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief</i>
	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> <ul style="list-style-type: none"> ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint
<i>Post In-Custody Death Procedures</i> <ul style="list-style-type: none"> • Notifications • Title 15, 30-Day Review 	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief</i>
	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> <ul style="list-style-type: none"> ▪ 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 UCLA/USC /University of Southern California Police* Department of *Public Safety*, and Cal State University Northridge, Department of Police Services).

In-Custody Deaths (ICD). 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:

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- 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 *for* her section lieutenant and receive approval to close out the incident *via a ~~as a death report on the~~* 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.

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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.

~~*Jail and Holding Tank In-Custody Death Adjudication Protocol. If the ICD involves a jail or holding tank, once the FID investigation is complete, the Chain of Command, including the Division, Bureau, and Office will review the circumstances of the ICD and forward their recommendations to the Director, Office of Support Services (OSS). The Director of OSS will review the investigation and all pertinent evidence, including reports and video prior to making a recommendation to the Chief of Police (COP). The COP will review the circumstances of the ICD, weigh the recommendation of the Director of OSS and forward a Chief's Report, along with the Custody Services Division, Intradepartmental Correspondence, IN CUSTODY DEATH 30-DAY MANDATED REVIEW to the OIG and Board of Police Commissioners. The Chief's Report will include any recommendations identified during the review process. Additionally, the Chief's Report will contain Findings as to whether the Inmate Intake, Inmate Welfare, Inmate Emergency Medical, and Post ICD Procedures were consistent or inconsistent with established criteria.*~~

~~*Reclassification of FID investigations to Death Investigations, is appropriate for In-Custody Deaths in the following circumstances:*~~

- ~~• *The LA 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;*~~
- ~~• *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.*~~

~~*All other ICD cases should continue to follow CUOF adjudication protocols, but with revised finding categories that would more accurately identify and assess the actions of the substantially involved personnel, reflect the circumstances of the ICD, and make appropriate recommendations.*~~

~~*The following are the areas that will be assessed for jail and holding tank in-custody deaths, along with the findings:*~~

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<i>Adjudication Area</i>	<i>Finding</i>	<i>Outcome</i>
<i>Inmate Intake Procedures</i> <ul style="list-style-type: none"> ● <i>Custody Transfer</i> ● <i>Communication (between law enforcement personnel and CSD personnel)</i> ● <i>Booking process</i> ● <i>Juvenile Booking Procedures (when applicable)</i> ● <i>Classification/Segregation</i> ● <i>Medical Screening</i> ● <i>Suicide Prevention</i> 	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief and additional training if needed</i>
	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> - <ul style="list-style-type: none"> ■ <i>Extensive retraining</i> ■ <i>Notice to Correct Deficiencies</i> ■ <i>Personnel Complaint</i>
<i>Inmate Welfare Procedures</i> <ul style="list-style-type: none"> ● <i>Safety Checks</i> ● <i>Pill/Sick Calls</i> ● <i>Dispensary Visits</i> ● <i>Cameras and Monitoring</i> 	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief</i>
	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> - <ul style="list-style-type: none"> ■ <i>Extensive retraining</i> ■ <i>Notice to Correct Deficiencies</i> ■ <i>Personnel Complaint</i>
<i>Inmate Emergency Medical Procedures</i> <ul style="list-style-type: none"> ● <i>Notification</i> ● <i>Cell Entry</i> ● <i>Medical Assistance</i> ● <i>Rescue Ambulance Request</i> 	<i>Consistent with Established Criteria</i>	<i>Tactical Debrief</i>
<i>Inmate Emergency Medical Procedures</i> <ul style="list-style-type: none"> ● <i>Notification</i> ● <i>Cell Entry</i> ● <i>Medical Assistance</i> ● <i>Rescue Ambulance Request</i> 	<i>Not Consistent with Established Criteria</i>	<i>Tactical Debrief and one or more of the following:</i> - <ul style="list-style-type: none"> ■ <i>Extensive retraining</i> ■ <i>Notice to Correct Deficiencies</i> ■ <i>Personnel Complaint</i>

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Post In-Custody Death Procedures <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - ▪ Extensive retraining ▪ Notice to Correct Deficiencies ▪ Personnel Complaint

<i>Adjudication Area</i>	<i>Finding</i>
Inmate Intake Procedures <ul style="list-style-type: none"> • Custody Transfer Communication (between law enforcement personnel and CSD personnel) • Booking process • Juvenile Booking Procedures (when applicable) • Classification/Segregation • Medical Screening • Suicide Prevention 	<ul style="list-style-type: none"> • Consistent with Established Criteria • Not Consistent with Established Criteria
Inmate Welfare Procedures <ul style="list-style-type: none"> • Safety Checks • Pill/Sick Calls • Dispensary Visits • Cameras and Monitoring 	<ul style="list-style-type: none"> • Consistent with Established Criteria • Not Consistent with Established Criteria
Inmate Emergency Medical Procedures <ul style="list-style-type: none"> • Notification • Cell Entry • Medical Assistance • Rescue Ambulance Request 	<ul style="list-style-type: none"> • Consistent with Established Criteria • Not Consistent with Established Criteria
Post In-Custody Death Procedures <ul style="list-style-type: none"> • Notifications • Title 15, 30-Day Review 	<ul style="list-style-type: none"> • Consistent with Established Criteria • Not Consistent with Established Criteria

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