

# **USE OF FORCE HANDBOOK**



**LOS ANGELES POLICE DEPARTMENT**

August 1995

DNC 06884

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## DEPARTMENT POLICY

### USE OF FORCE - POLICY

In a complex urban society, officers are daily confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, **force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.** Officers are permitted to use whatever force that is **reasonable** and **necessary** to protect others or themselves from bodily harm. **California Penal Code, Section 835a, states that officers may use**

*DNC - less dangerous  
means were not  
allowed to work  
10/22 - no less dangerous  
means were  
attempted*

force to effect an arrest, prevent escape, or overcome resistance.

DNC - no resistance  
10/22 - " " "

## USE OF FORCE OPTIONS

**Verbalization** - When the "Individual's Actions are Cooperative", verbalization is the most commonly used technique to effect the arrest of a suspect. Verbalization techniques include advising, warning, or persuading. Actual field experience have shown that certain techniques of verbalization, coupled with a position of advantage, and a mature, professional attitude and appearance can prevent further escalation of a situation. These techniques include:

- \* explaining any actions about to be taken;
- \* allowing a suspect to save face in front of

peers;

- \* recognizing that a suspect's remarks are not a personal attack against the officer; and
- \* allowing a suspect to retain dignity, whenever possible.

Officers should attempt to de-escalate confrontations by utilizing verbalization techniques prior to, during, and after any use of physical force.

### **Professional Courtesy of Addressing Individuals**

Cursing at people; calling them by uncomplimentary names; or referring to them by skin color, ethnic origin, physical appearance, gender, religious affiliation or socioeconomic status are totally unacceptable and may escalate the situation. The proper method of address is

Sir or Madam or Mr., Mrs., Ms. or Miss and the last name even when the situation is a difficult one. A misunderstanding could cause the suspect to make a move contrary to the officer's intent.

### Keep it Simple

Commands should be given in clear, concise terms. Unarmed suspects who believe they have no reason to be fearful of the police may not comply with anything less than a clearly defined verbal command. The use of jargon or profanity should be avoided. Terms like "freeze" or "hold it" may not be readily understood by the suspects. It is impossible to dictate what should be said in each situation but one rule applies; Keep it simple. Commands should be straightforward instructions. "DON'T MOVE"; "SLOWLY, RAISE YOUR HANDS OVER YOUR

HEAD"; "SPREAD YOUR FINGERS"; are terms which discourage a suspect from making movement which can be construed as threatening.

**Firm Grip** - When the "Individual's Actions show NO Response to Commands", and verbalization proves ineffective, a firm grip may be all that is necessary to overcome a suspect's resistance.

A firm grip which results in an injury requires a use of force report.

DNC assuming  
non-compliance,  
baton strikes  
were used  
10/22 - " "

**Compliance Techniques** - When the "Individual's Actions are Uncooperative", compliance techniques such as twist locks, wrist locks, OC spray and baton compliance techniques (non-striking) may be used.

The following instances would be appropriate situations for employing a firm grip or compliance technique on an uncooperative suspect where reasonable attempts at verbalization have been exhausted.

- \* The officer is reasonably confident that control can be achieved by a firm grip or compliance technique.
  
- \* The officer is reasonably certain that control can be attained with the support of the partner officer or others.

In those instances when a firm grip or compliance technique is ineffective, the officer should return to a position of advantage.

The use of alternate control techniques should be evaluated with regard to the situation at hand. ~~In all instances, the officer must use only that amount of force which is reasonable and necessary to control the suspect.~~

Each time a compliance technique is used on any person a use of force report shall be completed.

**Exception:** That force necessary to overcome passive resistance due to physical disability or intoxication which does not result in an injury; e.g., the use of wrist lock to assist an intoxicated person to a standing position, does not require the completion of a use of force report.

**OC Chemical Agents** - When the "Individual's Actions are Uncooperative", OC chemical agent may be used. The use of OC chemical agent should be considered in situations when an officer's attempts at verbalization are not effective and the officer reasonably believes and can articulate that approaching the suspect would escalate the incident to a higher level of force. Moreover, OC may be used to overcome and control a suspect's uncooperative or aggressive actions if verbalization is not successful. Verbal threats of violence by a suspect do not alone justify the use of OC. Any threat must be a credible one, one which would cause officers to reasonably believe that it would be unsafe to approach the suspect. Therefore, officers must be prudent in the use of OC as abuse or misuse of this device can be a violation of State and/or

Federal law and may also result in civil litigation.

### **When Medical Treatment is required in the Use of OC Chemical Agent**

Normally, medical treatment for suspects who have been sprayed with OC is not required. A suspect who has been sprayed with OC and who experiences continued difficulty in breathing or vision impairment for an extended duration shall be immediately taken for medical treatment. When in doubt, officers shall seek advice from a supervisor who will determine if medical treatment should be obtained. When officers use the OC chemical agent a use of force report shall be completed.

**TASER** - When the "Individual's Actions are Aggressive/Combative", a taser may be used. The

Taser is a nonlethal control device which may be used to control **aggressive** or **combative** suspects when an officer reasonably believes the following conditions exist:

- \* Deadly force does not appear to be justifiable and/or necessary; and
- \* Attempts to subdue the suspects with other non-deadly tactics have been or will likely be ineffective in the situation; and
- \* There is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

When a TASER is discharged and contacts any person, a use of force report shall be completed with the exception of an accidental discharge involving Department personnel only.

### **Medical Treatment Required When Taser Control Device is Used**

Whenever the TASER control device is used to control a suspect in custody, or being taken into custody, and the TASER darts make contact with that suspect's clothing or skin, the suspect shall be immediately examined by medical personnel. If the suspect loses consciousness, officers shall immediately request an ambulance.

**Note:** Medical personnel shall include a doctor or a nurse at a contract hospital or jail dispensary, or a paramedic.

**Swarm Technique** - When the "Individual's Actions are Aggressive/Combative", the Swarm technique may be used. This tactic utilizes the combined body weight of several officers to control the suspect. The Swarm technique



requires pre-planning and a coordinated, simultaneous effort by all involved officers. This technique reduces the risk of injury while allowing maximum control of the suspect.

The swarm technique should not be attempted on a suspect who is believed to be armed. Physical contact should not be made until all means of verbal control have been exhausted and sufficient officers are present. When a swarm technique is used a use of force report shall be completed.

**Baton** - When the "Individual's Actions are Aggressive/Combative", a baton may be used as an impact device. The baton may be appropriately displayed as a show of force if verbalization techniques appear to be ineffective when used on a physically aggressive suspect. A

decision to draw or exhibit a baton must be based on the tactical situation. For example, the drawing of a baton may be reasonable in a situation of an officer entering a bar or other location of prior disturbance calls, or exhibiting the baton in a situation where there is an escalating risk to the officer's safety. If the situation continues to escalate, the baton can provide a viable method of controlling a suspect. The baton's uses include come-a-longs, compliance techniques, takedowns, striking movements, and blocks.

**Note:** The baton shall not be used in a striking movement to gain compliance to verbal commands absent combative or aggressive actions by the suspect.

When a baton is used for compliance techniques, takedowns, or striking any person, a use of force report is required. When a baton or the equivalent is used as a "show of force" or for blocking, a use of force report shall not be completed.

A Use of Force Report is not required when officer(s) become involved in an incident in which the baton is used in a crowd control situation to push or move unruly individuals who exhibit unlawful, hostile behavior and who do not respond to verbal directions by the police. This procedure will apply only to officers working in organized squad and platoon sized units. Additionally, should the baton be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the

tactical situation has been resolved. The supervisor shall prepare the appropriate after action report documenting the officer's actions.

A Use of Force Report is required when officer(s) use the baton in a crowd control situation and become involved in an **isolated** incident with an individual in the crowd that goes beyond the movement of the crowd.

**Kicks** - When the "Individual's Actions are Aggressive/Combative", kick techniques may be used. Kicks such as the front, side, rear, and round house kicks can be applied as alternate use of force techniques. Officers proficient in the use of kicking techniques have an available tactic that can be quickly utilized when attempting to control a combative suspect.

When an officer uses a kick on any person, a use of force report shall be completed.

#### **DEADLY FORCE OPTIONS THE USE OF DEADLY FORCE - POLICY**

An officer is authorized the use of deadly force when it **reasonably** appears necessary to:

- \* protect the officer or others from an immediate threat of death or serious bodily injury, or
- \* prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury, or
- \* apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to

others if apprehension is delayed.

Officers shall not use deadly force to protect themselves from assaults which are not likely to have serious results.

Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable.

"**IDOL**", in "ImmEDIATE DEFENSE OF LIFE" situations, officers would be justified in the use of deadly force.

**Fleeing Felon Defined** - An officer is justified in using deadly force to effect the apprehension of a fleeing felon only when certain criteria have been met. In conformance with Department

policy, deadly force may be used, when necessary, to effect the arrest of anyone an officer reasonably believes is fleeing from and has committed a violent felony crime, including murder, mayhem, rape, robbery, and in some cases of ADW, attempted murder or arson. Further, will the escape of the perpetrator constitute a continued threat to the welfare and safety of the community? If apprehension is delayed and serious bodily injury or death might occur as a result of the delay, then deadly force is warranted.

**Upper Body Control Holds** - When the "Individual's Actions are Life Threatening", the modified carotid, full carotid, and locked carotid are upper body control holds available for use by officers. These holds can be used as an

alternative in life threatening or endangering situations whenever the use of deadly force is warranted.

When an upper body control hold is used on a person, a use of force report shall be completed.

**Medical Treatment Required When A Carotid Upper Body Control Hold Is Used**

Whenever a modified carotid, full carotid, or locked carotid upper body control hold is used, the suspect shall be immediately examined by a physician at a contract hospital or jail dispensary.

**Note:** If the suspect is rendered unconscious and fails to regain consciousness immediately, officers shall request an ambulance.

**Firearms** - When the "Individual's Actions are Life Threatening", a firearm may be used. If the situation becomes life threatening, the officer may be compelled to escalate to the ultimate level of force. The use of deadly force is a last resort, dictated by the life endangering actions of a suspect toward an officer or another person.

Justification for the use of deadly force must be limited to what reasonably appear to be the facts known or perceived by an officer at the time the officer decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify a shooting.

An officer shall not fire at a person who is called upon to halt on mere suspicion and who simply runs away to avoid arrest. Nor should an officer

fire at a "fleeing felon" if the officer has any doubt whether the person fired at is in fact the person against whom the use of deadly force is permitted under this policy.

**Note:** (See: Fleeing Felon Defined)

An officer's decision to use deadly force shall be based on the acronym **BALKS**:

B-Background

A-Age

L-Last resort

K-Knowledge of the total  
circumstances

S-Seriousness of the crime

This Department has always utilized extreme caution with respect to the use of deadly force

against youthful offenders. Nothing in this policy is intended to reduce the degree of care required in such cases.

Officers shall not use deadly force to effect the arrest or prevent the escape of a person whose only offense is classified solely as a misdemeanor under the Penal Code.

Generally, warning shots should not be fired. Additionally, firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons. Further, officers are reminded that all other available options should be considered prior to using a firearm to shoot out a street light for tactical operations. The discharge of a firearm at a street light is

inherently dangerous and places other officers and community members at risk.

**Drawing or Exhibiting Firearms** - Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

**Note:** During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a

valid interpretation of this Section:

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm.

## SITUATION EXAMPLES

**The following are examples of suspect actions as described on the use of force chart. Additionally, examples of appropriate and inappropriate responses by officers are also provided in each of the examples.**

### INDIVIDUAL'S ACTIONS COOPERATIVE

**EXAMPLE 1:** During a traffic stop an officer discovers that a violator is wanted on an outstanding traffic warrant. The violator is cooperative and responds to the officer's directions.

Under these conditions the appropriate response by the officer is verbalization.

# SITUATIONAL USE OF FORCE OPTIONS

\* REPORTABLE FORCE

## INDIVIDUAL'S ACTIONS NO RESPONSE TO COMMANDS

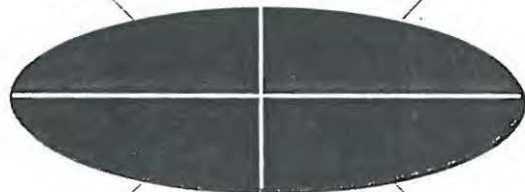
\* FIRM GRIP      VERBAL



\* REPORTABLE IF INJURED

## INDIVIDUAL'S ACTIONS COOPERATIVE

PROFESSIONAL APPEARANCE      VERBAL



NON-VERBAL      CONTROL SEARCH & HANDCUFF

### POLICY

**FORCE MUST BE:**

- A Last Resort
- Reasonable and Necessary
- With Minimum Force
- Known Facts at the time
- Defensive or Reactive

## INDIVIDUAL'S ACTIONS UNCOOPERATIVE

\* COMPLIANCE TECHNIQUES      \* O/C SPRAY  
CHEMICAL AGENTS



\* WRIST LOCKS  
\* TWIST LOCKS  
\* WRIST LOCK DOWN / ARM BAR      \* BATON COMPLIANCE  
TECHNIQUES  
(NON-STRIKING)

## INDIVIDUAL'S ACTIONS AGGRESSIVE / COMBATIVE

\* TASER      \* KICKS / LEG SWEEPS



\* IMPACT DEVICE  
I.E. BATON      \* SWARM TECHNIQUE  
\* WRESTLING TECHNIQUES

## INDIVIDUAL'S ACTIONS LIFE THREATENING

\* UPPER BODY CONTROL HOLDS      \* FIREARMS



IDOL  
BALKS  
VIOLENT FLEEING FELON

### FIVE ELEMENTS OF TACTICS:

1. Planning
2. Communicating
3. Observing
4. Approaching
5. Flexibility

LOS ANGELES POLICE DEPARTMENT



Position of Advantage

Verbalization should be continued to de-escalate a Use of Force situation

**LAW 835(a)PC**  
**FORCE CAN ONLY BE USED TO:**  
 Effect an Arrest  
 Prevent Escape  
 Overcome Resistance



An inappropriate response is for the officer to do anything more than verbalize absent any other factors that may show that the suspect is not cooperative.

**EXAMPLE 2:** Officers arrest a 72-year-old man for the murder of his wife. The suspect follows the directions of the officers.

As in all contacts with the public, officers must be mindful of the situation and conditions at hand. Under these circumstances the appropriate response by officers is verbalization. A use of force situation could occur if the suspect became uncooperative requiring officers to resort to an appropriate use of force to control the situation. However, absent any other factors, any response other than verbalization is inappropriate.

## **INDIVIDUAL'S ACTIONS NO RESPONSE TO COMMANDS**

**EXAMPLE:** An officer orders an intoxicated subject to stand up, sit down, step back, turn around, etc., and the subject does not respond.

Under these conditions the appropriate response by the officer is the use of a firm grip or that force necessary to overcome passive resistance due to physical disability or intoxication with continued verbalization to affect the suspect to comply with the officer's orders.

An inappropriate response by the officer would be the immediate use of O.C. spray, or the use of an arm bar, twist lock, or higher level of force absent other mitigating factors.

## INDIVIDUAL'S ACTIONS UNCOOPERATIVE

**EXAMPLE 1:** A suspect being taken into custody suddenly goes rigid and refuses to comply with officer's directions.

An officer's appropriate response is the deployment of O.C. chemical agent or other compliance techniques mentioned in the previous example.

The use of tasers, kicks, leg sweeps, impact devices, swarm and wrestling techniques by the officer is an inappropriate immediate response unless other mitigating factors existed to escalate to a higher level of force.

## INDIVIDUAL'S ACTIONS AGGRESSIVE/COMBATIVE

**EXAMPLE 1:** A suspect is advised that he/she is under arrest and assumes a fighting stance or pulls away from the officer. The suspect states, "You're not taking me to jail." Even though the suspect is not currently attacking the officer, the suspect is actively and aggressively resisting the officer's attempt to arrest him or her.

An officer's appropriate response may be the use of OC chemical agent, a taser, swarm/wrestling techniques, kicks/leg sweeps, or impact device (i.e., baton).

An inappropriate response is the use of an upper body control hold or deadly force.

**EXAMPLE 2:** Officers make a traffic stop and exit their police vehicle. The violator exits his vehicle and aggressively charges toward the officers with his fists raised and verbally threatens the officers' safety and/or the suspect is capable of carrying out the aggressive action(s) resulting in possible injury to the officers.

The officers immediate response is to protect themselves or others from bodily injury. An appropriate response may be the deployment of the taser, impact device i.e. baton or kicks, or leg sweeps. Officers may also consider using a combination of lower use of force options (i.e., O.C. spray) combined with other appropriate levels of force that may prove effective in controlling this situation.

An inappropriate response by officers would be to resort to the use of deadly force to control this situation.

**EXAMPLE 3:** An officer assigned to an Area desk is taking a domestic violence report. The spouse arrives and begins punching the person reporting (PR) or the officer perceives that an assault is imminent.

Several use of force options are available for an officer to deploy in this situation. The use of a firm grip on the suspect is appropriate if the officer believes that the assault is imminent and such action would prevent the assault and control the situation. The use of OC chemical agent, kicks/leg sweeps, wrestling techniques, impact devices are appropriate if the assault is occurring.

An inappropriate response is to resort to the use of deadly force which in this case is unwarranted.

#### **INDIVIDUAL'S ACTIONS LIFE THREATENING**

**EXAMPLE 1:** (IDOL) Officers approach a suspect to conduct an investigation of possible narcotics sales. The suspect ignores officers' directions, draws a handgun from his pocket and points it at the officers.

Minimizing the risk of death and the reverence for human life is the Department's primary consideration and philosophy. However, certain situations will warrant the use of deadly force. As in the above example, the appropriate response by officers is the use of deadly force.

**EXAMPLE 2:** (Fleeing felon) Officers are aware of a series of robberies involving convenience stores. The suspect uses a sawed-off shotgun, wears a yellow ski mask, and has shot several store clerks. Citizens flag down two officers on patrol and point to a store which they say is being robbed by a suspect who fits the above description. Before back-up can arrive, officers hear gun shots from the store. The suspect becomes aware of the police outside the store and attempts to flee on foot. The officers observe the suspect armed, matching the description of the previous robbery suspects, exit the store and flee. The officers exhaust all available options in an attempt to apprehend the suspect. The suspect is escaping.

The previous scenario is an example of the fleeing felon rule where the appropriate response may be the use of deadly force. An officer is justified in using deadly force to effect the apprehension of a fleeing felon only when certain criteria have been met. In conformance with Department policy, deadly force may be used, when necessary, to effect the arrest of anyone an officer reasonably believes is fleeing from and has committed a violent felony crime, including murder, mayhem, rape, robbery, and in some cases of ADW, attempted murder or arson. Further, will the escape of the perpetrator constitute a continued threat to the welfare and safety of the community? If apprehension is delayed and serious bodily injury or death might occur as a result of the delay, then deadly force is warranted.

**NOTE: In all use of force situations, verbalization should be continued throughout the incident to de-escalate the situation.**

## **MEDICAL TREATMENT**

When a reportable use of force is used on any person, Department Manual Section 4/648 and all related subsections shall apply. Obtain photographs of all injuries and complained-of injuries, even when no visible evidence of the complained-of injuries is present.

# USE OF FORCE

## REPORTING

## GUIDELINES

### REPORTABLE USE OF FORCE INCIDENT - DEFINED

A reportable use of force incident is defined as any incident in which any on-duty Department employee or off-duty employee, whose occupation as a Department employee is a factor, uses a non-lethal control device or any physical force to:

- \* compel a person to comply with the employee's directions; or
- \* overcome resistance by a suspect during an arrest or a detention; or
- \* defend any person from an aggressive action

by a suspect.

**Exceptions:** The following incidents are **not** reportable under the provisions of this Section:

- \* The use of a firm grip control only, which does not result in an injury; or,
- \* The force necessary to overcome passive resistance due to physical disability or intoxication which does not result in an injury; e.g., the use of a wrist lock to assist an intoxicated person to a standing position; or,
- \* An incident investigated by the Homicide Special Section, Robbery-Homicide Division or Detective Headquarters Division; or,
- \* Any non-lethal or lethal control device of

physical force used at an approved training exercise.

## NOTIFICATIONS AND REPORTING

### **On-Duty Employee - Responsibilities.**

On-duty employees involved in a reportable use of force incident shall:

- \* Notify a supervisor from their Area/division of assignment without delay; and
- \* Report the full details of the use of force incident, including specific statements and identification of all witnesses and physical evidence which clarifies the use of force, in the related Department arrest or crime report (Use an Employee's Report, Form 15.7, when a crime or arrest report is not required).

**Off-Duty Employee - Responsibilities.** Off-duty employee involved in a reportable use of force incident in which the employee's occupation as a Department employee is a factor shall:

- \* Notify a supervisor from their Area/division of assignment without delay; or
- \* Notify the Watch Commander, Detective Headquarters Division, when the employee's location of assignment is closed; and
- \* Submit an Employee's Report, form 15.7, reporting the full details of the use of force incident, including specific statements and identification of all witnesses and physical evidence which clarifies the use of force, and listing all connected outside agency reports no later than the next regularly

scheduled tour of duty,

**NOTE:** This procedure does not alter requirements for reporting off-duty incidents that may be of concern to the Department (i.e., incidents likely to result in a police response or crime report, etc.).

## USE OF FORCE

## I N V E S T I G A T I V E

## RESPONSIBILITY

### GENERAL

**Supervisor - Responsibilities.** When notified that a use of force incident has occurred, a supervisor from the employee's Area/division of assignment, or any supervisor assigned the investigation when

the involved employee's division is closed, shall:

- \* Respond to the scene of a use of force incident;

**NOTE:** When exigent circumstances exist and a response to the scene of a use of force incident is impracticable, the supervisor shall arrange an alternate location for the investigation to be completed (e.g., away from a hostile group or at the station). When no supervisor from the concerned Area is uninvolved or available to respond, a supervisor from an adjoining Area (preferably from the same bureau) shall respond and complete the initial investigation.



- \* Independently interview all involved employees, suspects, and witnesses to determine what occurred;
- \* Ask the involved suspects if and how they were injured and determine if the injury is consistent with the actions reported;
- \* Ensure medical treatment is obtained if necessary;
- \* Obtain photographs of all injuries and complained-of injuries, even when no visible evidence of the complained-of injuries is present;
- \* Complete a separate Use of Force Report for each suspect upon whom force was used:

**NOTE:** Only employees who used a reportable use of force shall be listed in the "Involved Employee(s)" section of the Use of

Force Report. Other employees associated with the incident, but not using a reportable use of force, should be listed as witnesses in the "Supervisory Narrative".

- \* Ensure the primary Department report (i.e., crime, arrest, or Form 15.7) contains a complete account of the incident;
- \* Approve all related reports; and

**NOTE:** Supervisors **shall not** delegate or postpone this responsibility. When necessary, the investigating supervisor shall remain on duty beyond the end of watch to approve related reports.

- \* Use the Sergeant's Daily Report, Form 15.48, or Watch Commander's Daily

Report, Form 15.80, to indicate that a Use of Force Report was completed.

**Example:** "1600-1630 hours: SEE USE OF FORCE REPORT." (Do not duplicate information contained in related reports).

The supervisor shall examine all aspects of the use of force incident (i.e., statements of involved parties and other employees and suspects; evidence; techniques and tactics used by the involved employees, etc.) and report the findings in the Use of Force Report.

**NOTE:** Particular attention should be paid to the approach (position of advantage) of the employees, observations of the employees, communication between

employee and suspects, and the planning developed by the employees.

The supervisory review section of the Use of Force Report is intended to be a brief account of the supervisor's investigation. It need not repeat information that is included in any attached report.

When all physical evidence, injury information, and witness statements are consistent with the narrative of the primary Department report (i.e., crime, arrest, or Form 15.7), the evidence, injury, and witness information should simply be summarized and a statement included that all findings are consistent with the police report of the incident.

When evidence or a witness statement conflicts with the narrative of the primary Department report, an explanation of the differences shall be included in the supervisory review. **In these instances, statements of witnesses and employees shall not be paraphrased.** All statements shall be reported verbatim.

The supervisory review section need not repeat information that is included in any attached report. The supervisor review shall document the employees' actions and serve as an investigative report for review by the appropriate reviewing authority. The investigating supervisor **shall not** normally counsel or correct the employees at the time the Use of Force Report is completed.

**NOTE:** When an incident involves misconduct or requires immediate corrective action to prevent escalation or reduce liability, the investigating supervisor shall initiate the appropriate action. Any counseling, training, or corrective action taken in these instances shall be documented in the employee's comment files and in the Use of Force Report.

When appropriate, an explanation should be included detailing why a use of force technique could not be used (i.e., Oleoresin Capsicum "OC" spray not used due to existing wind conditions, would have exposed officers to the spray and caused an officer safety hazard; TASER unavailable; due to lack of space, baton not considered; spontaneous action did not allow for

verbalization; flashlight used due to baton being lost during foot pursuits, etc.).

**NOTE:** If a supervisor is personally involved in a use of force incident, either by planning or taking action, the supervisor shall not conduct the use of force investigation, nor shall he/she be a member of any subsequent Use of Force Review Board involving that incident.

**Detective Headquarters Division (DHD) - Responsibilities.** Upon being notified of an off-duty use of force incident, the DHD watch commander shall:

- \* Cause the nearest on-duty supervisor to respond to the location of occurrence and

complete the supervisory investigation and reports; or

- \* When circumstances prevent the employee from standing by for a responding supervisor, advise the employee to respond to the nearest on-duty watch commander (i.e., geographic Area or DHD).
- \* Immediately contact the employee's commanding officer and brief him or her on the details of the incident.
- \* When it is not practical for a supervisor to respond to the scene or for the employee to report to a watch commander, (i.e., due to injuries, distance, etc.), the DHD watch commander shall assign a DHD supervisor to telephonically complete a use of force investigation. The report shall be forwarded to the commanding officer of the involved

employee.

**NOTE:** The commanding officer of the involved employee shall ensure that a follow-up investigation, if appropriate, is conducted.

**Officer-Involved Shootings and Use of Force Incidents Resulting in a Suspect Being Hospitalized.** The Robbery-Homicide Division, is responsible for investigating:

- \* Officer-involved shootings involving injury or death to persons;
- \* Intentional officer-involved shootings which do not result in injuries;
- \* All non-injury accidental officer-involved shootings that involve tactical

considerations;

- \* Custodial deaths, i.e., jail deaths; and
- \* Law Enforcement Activity-Related Deaths (LEARDS).

The Detective Headquarters Division (DHD) shall be responsible for investigating:

- \* All officer-involved animal shootings;
- \* All officer-involved non-tactical accidental shootings;
- \* All use of force incidents (except officer-involved shootings investigated by RHD) resulting in suspects being hospitalized.

The geographic detectives at the scene of an officer-involved shooting shall provide assistance to RHD detectives when requested.

Officers involved in any incident previously delineated as a responsibility of either RHD or DHD shall immediately notify the watch commander, Area of occurrence. When the aforementioned incidents occur outside the City of Los Angeles, the notification shall be made to DHD.

Upon being notified of the above incidents, watch commanders shall ensure that DHD is apprised without undue delay.