

## **VOLUME 3 - CHAPTER 10**

### **FORCE POLICY**

#### **3-10/000.00 PREAMBLE TO THE USE OF FORCE POLICY**

The Los Angeles County Sheriff's Department is committed to the sanctity and preservation of life, human rights, and the dignity of every individual as described in Our Core Values. Department members are sometimes required to use force in self-defense, defense of others, and during the execution of lawful duties. In all situations, Department members are required to conduct themselves in accordance with lawful and constitutional standards.

As leaders on the Sheriff's Department, all members shall view their duties in the context of safety for themselves and others, with an emphasis on respect, professionalism, and reverence for human life, even when force is required.

In cases where Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, members shall take into account and communicate (where applicable) tactical considerations predicated on preventing the use of force whenever possible.

For planned tactical operations, such as service of warrants, parole compliance searches, tactical cell extractions, and prolonged passive resistance, members shall develop a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

The Sheriff's Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.

#### **3-10/005.00 FORCE PREVENTION PRINCIPLES**

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.

When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.

#### **3-10/010.00 USE OF FORCE DEFINED**

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

### **3-10/020.00 AUTHORIZED USE OF FORCE**

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the member or others, and whether the suspect is actively resisting, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and have a duty to protect the lives of others.

### **3-10/030.00 UNREASONABLE FORCE**

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances presented to Department members involved in using force. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

NOTE: The basis in determining whether force is "unreasonable" shall be consistent with the Supreme Court decision of ***Graham v. Connor, 490 U.S. 386 (1989)***.

### **3-10/040.00 PROHIBITED FORCE**

The following uses of force are prohibited unless circumstances justify the use of deadly force:

- head strike(s) with an impact weapon;
- deliberately or recklessly striking an individual's head against a hard, fixed object (e.g., roadway, driveway, concrete floor, wall, jail bars, etc.);
- from a standing position kicking an individual in the head with a shod foot while the individual is lying on the ground/floor; and/or,
- kneeling an individual in the head, deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object.

### **3-10/050.00 DIRECTED FORCE DEFINED**

Force used in the execution of one's duties under the immediate direction of a supervisor shall be classified as **Directed Force**.

### **3-10/050.15 PERFORMANCE TO STANDARDS - PERFORMANCE ASSOCIATED WITH THE USE OF FORCE**

The evaluation of a member's performance includes the strategies or tactics used leading up to, during, and following a use of force. These strategies and tactics shall be evaluated in terms of whether or not they comply with Department policies, procedures, and training.

The following are examples of the types of tactical considerations that shall be evaluated under this policy:

- Approach of Suspect
- Approach of Vehicle
- Availability and Deployment of Equipment and Weapons
- Communication
- Concealment
- Coordination
- Cover
- Distance
- Field of Fire
- Fire Discipline
- Incident Command
- Partner Splitting
- Planning
- Position of Advantage
- Potential for Crossfire
- Shooting Backdrop
- Supervision
- Suspect Control
- Taking Independent Action
- Target Acquisition

NOTE: Refer to MPP 3-10/150.00 Tactical Incidents.

A member's performance associated with the use of force that does not comply with Department policies, procedures, and training may subject that member to discipline under this section.

### **3-10/060.00 RESCUE FORCE DEFINED**

When a Department member is compelled to use force in order to prevent harm from occurring to medical staff, professional staff, or any non-Department member, the force used in such instances shall be classified as **Rescue Force**.

### **3-10/070.00 MEDICAL ASSISTANCE FORCE DEFINED**

When a Department member restrains an individual under the immediate direction and supervision of medical staff, any force used in such instances shall be classified as **Medical Assistance Force**.

### **3-10/100.00 USE OF FORCE REPORTING PROCEDURES**

The Sheriff's Department recognizes each use of force by its members requires a thorough, fair, and objective review.

Any use of force (A) which is greater than that required for un-resisted Department-approved 1) searching or handcuffing, 2) control holds or come-alongs, or 3) hobbling or (B) which results in an injury or a complaint of pain constitutes Reportable Force and must be reported.

NOTE: Throughout this section, the term "suspect" is used to refer to any individual upon whom force has been used.

#### **Reportable Force Categories**

There are three categories of Reportable Force.

**Category 1 Force** involves any of the following where there is no injury:

- Searching and handcuffing techniques resisted by a suspect;
- Hobbling resisted by a suspect;
- Control holds or come-alongs resisted by a suspect;
- Take downs; and/or
- Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.

**Category 2 Force** involves any of the following:

- Any identifiable injury;
- A complaint of pain that a medical evaluation determines is attributable to an identifiable injury; and

- Any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force.

**Category 3 Force** involves any of the following:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit,
- Force resulting in admittance to a hospital;
- Any death following a use of force by any Department member;
- All head strikes with impact weapons;
- Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- Deliberately or recklessly striking an individual's head against a hard, fixed object,
- Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;
- All canine bites; or
- Any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00.

IAB will be notified of all canine bites requiring medical treatment. Due to the specialized nature of these investigations, canine bites will initially be investigated by the SEB/CSD Sergeant, unless the incident meets the criteria for an IAB Force/Shooting Response Team response. All canine bites shall also be reviewed by the Executive Force Review Committee, with an additional level of oversight conducted by the Office of Independent Review and monitoring by Special Counsel.

### Responsibilities for Reporting the Use of Force

In all cases in which members use Reportable Force, they shall make a verbal notification to their immediate supervisor (with a minimum rank of Sergeant) as soon as safely possible. Unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant, the member shall complete a written first report of the force incident prior to the member going off duty.

Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his or her actions prior to the member going of duty.

Department members witnessing Reportable Force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor, who will determine whether a separate report/memorandum by the member witness is required prior to the member going off duty.

Members witnessing Reportable Force used by employees of another law enforcement

agency shall, as soon as safely possible, advise their immediate supervisor and write a memorandum documenting their presence or, if applicable, provide a copy of their patrol log.

NOTE: Refer to MPP section 3-10/300.00 through 3-10/600.00 for the use of force reporting and review procedures involving shootings by Department members.

When feasible, written reports shall be reviewed and approved by the supervisor to whom the force incident was initially reported. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report.

Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

When force is used during crowd control situations and an arrest cannot be made, or the suspect(s) cannot be identified, Department members shall report their individual uses of force, directed or otherwise, to an on-scene supervisor as soon as safely possible. The application of force applied to a group, or members of a group who are not arrested or cannot be identified, shall be documented on a single use of force memorandum by the on-scene supervisor and approved by the Incident Commander.

Reporting of force used in crowd control situations in which suspects are arrested, or can be identified, shall be reported as an individual use of force consistent with this policy.

### Force Allegations

Allegations of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the force allegation was reported shall report the allegation to their immediate supervisor (with a minimum rank of Sergeant). That supervisor shall immediately conduct an inquiry in order to determine the validity of the allegation (i.e., whether it is corroborated by statements and/or evidence). However, if that supervisor was alleged to have been involved in, or a witness to, the incident, the inquiry shall be assigned to another supervisor.

The supervisor conducting the inquiry shall adhere to the following guidelines:

- Follow up on information provided by the individual making the allegation (i.e., interview person(s) whom the individual said were present and/or witnessed the

incident, look for and collect evidence that the individual mentions);

- Collect evidence and take statements;
- Take photographs of the location, if appropriate;
- Review any medical records (in cases of an inmate, review the inmate injury report). If an inmate injury report was not prepared for an inmate, ensure that one is prepared and the inmate is medically treated;
- Photograph all visible injuries (if applicable); and, thoroughly document/describe all statements taken and evidence collected; and
- Determine if the force incident was recorded and secure any such recordings of the incident.

An inquiry into a force allegation shall be documented in a memorandum from the supervisor to the Unit Commander and shall include the supervisor's conclusions regarding the validity to the allegation. The Unit Commander shall take one of the following actions:

- Close the inquiry if there is no validity to the allegation;
- Initiate an administrative investigation if the inquiry reveals possible misconduct that could result in discipline, such as unreported use of force; or
- Initiate a criminal investigation if the inquiry reveals reasonable suspicion that a crime occurred (e.g., assault under the color of authority).

Closed force allegation inquiries shall be forwarded to the concerned Division Chief or Division Director for review/concurrence and subsequently forwarded to the Discovery Unit for retention.

### **3-10/105.00 MEDICAL TREATMENT AND TRANSPORTING SUSPECTS**

#### **Medical Treatment**

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- suffers a gunshot wound;
- strikes their head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a member, regardless of how minor any injury to the head/face may appear. The member transporting the suspect shall inform the doctor that the suspect was struck on the head or struck their head;
- is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not they are rendered unconscious. The member transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not they were rendered unconscious;
- is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, Pepperball projectile, etc.);
- is subjected to a Taser used in the drive stun mode;

- sustains a canine bite resulting in any bleeding or penetration of the skin;
- has injuries that appear to require medical treatment;
- alleges any injury and requests medical treatment, whether or not they have any apparent injuries;
- alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment;
- was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field); or
- has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure, for additional information.

### Transporting Suspects

Whenever a suspect upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting member shall immediately advise the Field Sergeant or immediate supervisor. Except in the most compelling of circumstances, personnel involved in a Category 2 or 3 Force, including participants, witnesses, and supervisors directing force, shall not transport the suspects. If compelling circumstances require that the suspect be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports. The Sergeant shall immediately advise the Watch Commander or Supervising Lieutenant that the suspect is being treated or examined following a member's use of force.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment. The member transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated their refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite their refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

## **3-10/110.00 USE OF FORCE REVIEW PROCEDURES**

### Immediate Supervisor's Responsibilities



## Responding to Force Incidents

The Field Sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving Reportable Force, and advise the Watch Commander or Supervising Lieutenant of any Reportable Force incident.

With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:

- Locate and interview all potential witnesses, including Department personnel and, in custody force cases, medical staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident;
- Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate;
- Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so;
- Ensure that Department members who used force or witnessed force prepare required reports in a timely manner;
- Review first reports and separate supplemental reports or memorandums to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions;
- In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and the incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the Watch Commander or Supervising Lieutenant before proceeding further (refer to Watch Commander/Supervising Lieutenant's Responsibilities subsection);
- After first reports and separate supplemental reports have been reviewed by the supervisor, and where there is no such evidence of apparent misconduct, or a failure to properly notify, afford Department members an opportunity to review the recording of the force incident to facilitate recollection of additional details (refer to MPP section 3-10/115.00, Video Review and Admonishment);
- Complete a "Supervisor's Report, Use of Force" (SH-R-438P) documenting each member who used force, or witnessed force;
- Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported;
- If the suspect is admitted to a medical facility or requires further medical treatment, it is the supervisor's responsibility to follow up with medical staff to ascertain if the injury was more serious than initially believed and make any necessary notifications in a timely manner; and
- Photograph and/or record the members' injuries, if appropriate.

In incidents involving the Total Appendage Restraint Procedure (TARP), the supervisor shall ascertain and document the Incident Details section of the SH-R-438P with the following information, if possible:

- How long the suspect was restrained with the TARP;
- The emergency medical services agency that responded to the scene of the TARPing;
- How the suspect was transported and in what body position(s) they were placed during the transport;
- The length of time of the transport phase;
- The observations of the suspect's psychological/physical condition while TARPed and during the transport phase; and
- Any alleged recent drug usage by the suspect or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure.

If the force incident is a Category 3 Force incident that results in a response from the IAB Force/Shooting Response Team, the Field Sergeant's or immediate supervisor's function shall be limited to notifying the Watch Commander or Supervising Lieutenant of the force incident; identifying witnesses; ensuring that the members who used force or witnessed force do not communicate with each other until they have prepared their report or have been interviewed by investigators; and preserving the scene and evidence as appropriate.

### Force Packages

Sergeants/immediate supervisors reviewing reports or memos regarding force incidents shall ensure that all pertinent information is contained in them. Particular attention should be given to the description of the use of force and the suspect's actions that led to the use of force. The Sergeant/immediate supervisor shall ensure that copies of such reports or memos are forwarded to the concerned Watch Commander/Supervising Lieutenant for inclusion in the force package.

### Watch Commander/Supervising Lieutenant's Responsibilities

#### Interviewing Suspects

The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect upon whom force has been used and, except in Category 3 Force incidents, interview the suspect regarding the incident.

Except in the most compelling of circumstances, personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present

when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports.

When interviewing suspects regarding use of force incidents, the Watch Commander/Supervising Lieutenant shall ask the suspect if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the suspect has any apparent injuries (refer to MPP section 3-10/105.00 Medical Treatment and Transporting Suspects). If the suspect is taken to a medical facility for examination or treatment, the Watch Commander/Supervising Lieutenant shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the force reported.

The Watch Commander/Supervising Lieutenant shall ensure that the interview of the suspect is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain suspect consent for photographing injuries hidden by clothing). Where practical, the suspect should not be interviewed during actual medical treatment. Prior to beginning the interview, the time, date and location of the interview shall be clearly stated, along with the names, ranks, and employee numbers of all persons present.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC, CRDF, or Twin Towers for booking, the Watch Commander or Supervising Lieutenant shall arrange to interview the suspect at the booking site.

#### Completion of Investigations

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the Watch Commander/Supervising Lieutenant should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation or, if necessary, the initial investigation should be completed by the Watch Commander/Supervising Lieutenant. In instances in which a non-involved supervisor is assigned to complete the initial investigation, the supervisor who directed the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force package.

Except in the case of an IAB Force/Shooting Response Team rollout, in situations involving very large numbers of potential witnesses, the Watch Commander or Supervising Lieutenant shall determine the appropriate scope of the witness canvass that would be necessary to sufficiently document the force incident.

In cases where a supervisor has reviewed video of an incident and determined that there

is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the Watch Commander/Supervising Lieutenant shall determine the nature and seriousness of the matter. The Watch Commander/Supervising Lieutenant shall then contact the Unit Commander, who shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or ICIB. If an administrative or criminal investigation is initiated, then the force investigation will be conducted as part of that investigation. If it is determined that an administrative or criminal investigation is not warranted, then the force investigation shall be completed by the Watch Commander/Supervising Lieutenant. If an involved employee is not allowed to view video of an incident due to possible misconduct, the Watch Commander/Supervising Lieutenant shall notify the member he or she may be subject to an investigation.

### Force Packages

The Watch Commander/Supervising Lieutenant shall prepare and submit a force package to the Unit Commander for all reviews of force not conducted by an IAB Force/Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed. The Watch Commander/Supervising Lieutenant is responsible for detailing the results of his or her review and recommendation as to whether further action or investigation is warranted in the appropriate section of the SH-R-438P. The force package shall include the following items:

- "Supervisor's Report, Use of Force" (SH-R-438P);
- Copy of SH-R-49 and related supplemental reports and/or memos;
- Copy of in-service rosters for the concerned shift(s);
- Documentation showing suitable treatment from qualified medical personnel was sought and/or received;
- Photographs and/or video recordings of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation);
- Copies of any recorded interviews conducted by supervisors during the investigation;
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.;
- The video and related material shall be placed in a 6" x 9" manila envelope. A "Use of Force Package – Attachments" label shall be affixed on the top, front of the envelope. The label itemizes related material and identifying data from the Use of Force Package; and
- All videos and related material contained in the envelope shall be labeled with the Use of Force Package URN.

### Requesting an IAB Force/Shooting Response Team

The Watch Commander/Supervising Lieutenant is responsible for making an immediate verbal notification to the on-call Internal Affairs Bureau Lieutenant in any of the following situations:

- All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;
- All incidents in which Deputy personnel are shot;

- Hospitalizations due to injuries caused by any Department member;
- Skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- All large party situations where Category 2 or 3 Force is used;
- Injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder);
- All head strikes with impact weapons;
- Kick(s) to an individual's head with a shod foot;
- Knee strike(s) to an individual's head;
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- Canine bites resulting in medical treatment;
- Any death following a contact with any Department member;
- All inmate deaths;
- Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The Internal Affairs Bureau Lieutenant shall determine whether the response of an IAB Force/Shooting Response Team is appropriate. If a response team is to be sent, the Internal Affairs Bureau Lieutenant shall direct the Watch Commander/Supervising Lieutenant as to whether to conduct a suspect interview.

The Watch Commander/Supervising Lieutenant shall make an immediate verbal notification to the Unit Commander of any incident requiring an IAB Force/Shooting Response Team response. (Refer to MPP section 3-10/130.00 Activation of an IAB Force/Shooting Response Teams.) The Watch Commander shall respond to the location when an employee discharges a firearm, whether intentional or unintentional. The involved employee's Unit Commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The involved employee's Division Commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's Division Chief or Division Director.

In any situation in which an IAB Force/Shooting Response Team responds to conduct a force review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the Watch Commander/

Supervising Lieutenant nor the Sergeant shall conduct a suspect interview unless directed to do so by the Internal Affairs Bureau Lieutenant. A Unit-level force package shall not be submitted on any force incident which is documented by IAB Force/Shooting Response Team personnel who have responded to the scene.

### Unit Commander's Responsibilities

The Unit Commander shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of the force incident, or as soon as possible thereafter.

### Force Packages

The Unit Commander shall promptly evaluate all force packages and the Watch Commander/Supervising Lieutenant's findings concerning the use of force. The Unit Commander shall determine if further action or investigation is necessary.

In determining if further action or investigation is necessary, the Unit Commander shall consider whether the reports and witness statements are complete and consistent; there are unexplained injuries to the suspect against whom force was used or injuries to the head, eyes, throat, spine or groin areas; the suspect was in mechanical restraints when force was applied; the objective evidence corroborates any allegations of unreasonable force by the suspect; and only authorized tactics, equipment and devices were used in accordance with Department policies and procedures. There shall be a presumption that further investigation is necessary if a suspect sustains unexplained injuries or there is evidence that head strikes were used by Department members (whether by fists, knees, feet, or weapons) against a handcuffed suspect.

If further investigation is warranted, the Unit Commander may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau, or both. The Unit Commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

Unit Commanders shall hold supervisors accountable for the quality and timeliness of their investigations.

The Unit Commander shall ensure that unit-level force packages are completed, reviewed/approved, and processed in a timely manner. The Unit Commander shall ensure that Unit personnel utilize a tracking system in order to track force packages.

The Unit Commander shall ensure that completed/approved force packages are either submitted to the Discovery Unit, or forwarded to Division, as required below. Force packages not submitted to the Discovery Unit within 60 days will be considered overdue.

In all use of force incidents wherein the on-call IAB Lieutenant was notified, or when a

suspect was transported to a hospital for medical treatment, the Unit Commander shall forward the force package to the Division Chief or Division Director for their review.

Any force package requiring Division review shall be forwarded within 35 days of the incident, unless otherwise directed by the Chief or Division Director.

Involved employees are entitled to a copy of the completed SH-R-438P. The Unit Commander shall ensure that the involved employee(s) receive a copy, if so requested.

### Use of Force Analysis

It is imperative that leaders of the Los Angeles County Sheriff's Department be personally informed about issues involving the use of force.

Whenever a Department supervisor or manager prepares or receives an analysis, the concerned Unit Commander shall ensure that a copy of any analysis on systemic issues regarding use of force investigations or use of force trends in the Unit Commander's facility is delivered to the Office of the Sheriff and the Office of the Assistant Sheriffs.

To honor the Department's commitment to transparency, the concerned Unit Commander shall also ensure that a copy of the analysis also is delivered to the Office of Independent Review (OIR), and the Law Enforcement Division Chief in the Office of the Los Angeles County Counsel.

### Division Chief's or Division Director's Responsibilities

The Division Chief or Division Director shall review all use of force incidents in which the on-call IAB Lieutenant was notified or in which a suspect was transported to a medical facility for treatment. The Division Chief or Division Director shall note their concurrence with the Unit-level force review on the documents and forward the approved force package to the Discovery Unit. In the event that the Division Chief or Division Director does not concur, they may specify to the Unit Commander the additional steps necessary to satisfactorily complete the package or notify Unit Commander of IAB or ICIB and request an administrative and/or criminal investigation.

### **3-10/115.00 VIDEO REVIEW AND ADMONISHMENT**

The Sheriff's Department and its personnel have a duty to accurately report the facts of every force incident through normal reporting procedures. This includes amendments and supplemental reports when additional information or clarification is available.

Department members shall prepare all necessary written reports related to a force incident prior to reviewing a video recording of the incident. Upon completion of the written report, involved Department members shall be provided the opportunity to review the recorded incident for the purposes of refreshing their memory after the Field Sergeant

or immediate supervisor has reviewed the first reports and any separate supplemental reports of the force incident, and concluded that there is no such evidence of apparent misconduct, or a failure to properly notify. Once the video tape has been reviewed, personnel will have the opportunity to acknowledge in their report that they observed the video and that it either refreshed their memory, adding any corrective language, or that the original written statements were accurate.

Because Department personnel are required to provide a written account of their actions prior to viewing video recordings, the Department will not assume an adverse inference when personnel amend or supplement their reports if a video review prompts further recollection of incident details. Whether an adverse inference should be drawn from amendment or supplement will depend upon the facts and circumstances in each case.

Any review of a recording by a Department member shall be documented in their reports and should not be undertaken in the presence of another Department member who was either involved in, or a witness to, the force incident. Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection or perception of specific actions, the member shall either amend their initial report, or prepare a separate supplemental report. Any additional information should be added with transitional language such as, "After reviewing video of the incident, additional details are noted as follows:".

Prior to reviewing any video recording, Department members shall read the following admonition:

## **VIDEO ADMONISHMENT**

*You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.*

*The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.*

*This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.*

***Additional admonishment to personnel involved in recorded incident:***



*If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.*

### **3-10/120.00 IAB FORCE/SHOOTING RESPONSE TEAMS**

To enhance the Department's quality assurance and control, and ensure Department-wide consistency in our review process, IAB Force/Shooting Response Teams shall respond to and investigate certain force and high-risk incidents and prepare reports that include, but not be limited to, the following: multi-perspective reviews of the incident; reviews of adherence to policy and performance standards; reviews of adherence to Department training; recommendations for changes in policy and training; assessments of the civil liability the Department is exposed to by our operations and procedures; and reviews of other pertinent issues.

The IAB Force/Shooting Response Teams consist of representatives from various Department Units, such as Internal Affairs Bureau, Training Bureau, Civil Litigation, Traffic Services, Medical Services, Risk Management, and Custody Training depending on the type of incident and the expertise required.

### **3-10/130.00 ACTIVATION OF THE IAB FORCE/SHOOTING RESPONSE TEAMS**

Watch Commanders and Supervising Lieutenants are required to make immediate verbal notification to the on-call IAB Lieutenant whenever any of the following occur:

- All shootings by any Department member, both on-duty and off-duty, including unintentional discharges, warning shots, and shooting at animals;
- All incidents in which Deputy personnel are shot;
- Hospitalizations due to injuries caused by any Department member;
- Skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- All large party situations where Category 2 or 3 Force is used;
- Injury or complaint of injury to a person's head or neck area resulting in medical evaluation and/or treatment, following contact with any Department member (this does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder);
- All head strikes with impact weapons;
- Kick(s) to an individual's head with a shod foot;
- Knee strike(s) to an individual's head;
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g., roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- Canine bites resulting in medical treatment;

- Any death following a contact with any Department member;
- All inmate deaths;
- Any of the above use of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The on-call IAB Lieutenant shall evaluate the information and determine if an IAB Force/Shooting Response Team activation is required. The on-call Lieutenant shall also determine the appropriate make-up of each team and will cause the notification of those personnel.

The following types of incidents shall require mandatory activation of an IAB Force/Shooting Response Team by the on-call IAB Lieutenant:

Inmate deaths from other than obvious natural causes, including murders, suicides, overdoses, or accidents, and

The following Category 3 Force:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit,
- Force resulting in admittance to a hospital;
- Any death following a use of force by any Department member;
- All head strikes with impact weapons;
- Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- Deliberately or recklessly striking an individual's head against a hard, fixed object; or
- Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member.

The IAB Force/Shooting Response Team shall prepare an administrative review of each incident which shall be submitted to the Executive Force Review Committee, with an additional level of independent oversight. The captain of Internal Affairs Bureau is responsible for establishing an incident file containing the IAB Force/Shooting Response Team's reports, and for ensuring that they are entered into the Performance Recording and Monitoring System (PRMS).

If at any time the response team IAB lieutenant determines that an administrative investigation is warranted, he or she shall brief the concerned unit commander and, with the concurrence of the concerned division chief or division director, shall direct the IAB

investigators to commence an investigation. If it is determined that the conduct of any Department member may have been criminal in nature, the IAB Force/Shooting Response Team lieutenant shall immediately notify the concerned unit commander, and with concurrence of the concerned division chief or division director, turn the investigation over to the Internal Criminal Investigations Bureau (ICIB).

### **3-10/140.00 EXECUTIVE FORCE REVIEW COMMITTEE**

The Executive Force Review Committee is comprised of three Area Commanders, one of whom shall be designated as the Chairperson by the Professional Standards Division Chief.

The Executive Force Review Committee shall evaluate every shooting and force incident wherein the activation of an Internal Affairs Bureau (IAB) Force/Shooting Response Team is required pursuant to section 3-10/130.00, Activation of IAB Force/Shooting Response Team.

The Executive Force Review Committee shall meet regularly to review and evaluate all cases enumerated above. In addition to the concerned employee's Unit Commander, meeting participants shall include the Internal Affairs Bureau investigator, as well as representatives from the Training Bureau, Advocacy Unit, and Risk Management Bureau.

The members of the Executive Force Review Committee shall be provided copies of the IAB Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other relevant/appropriate Department Bureau or Unit. Based on these reports, the members of the committee shall evaluate each incident and determine if the conduct of Department personnel was within established policies and/or consistent with established procedures. The committee members shall also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used/deployed proper safety equipment.

After their initial review of the incident, the members of the Executive Force Review Committee may 1) make a finding and determine the level of discipline if the committee determines that the investigation has revealed that an employee violated Department policy, or 2) return the case for additional investigation and direct that the case be re-presented to the committee for disposition.

NOTE: An administrative or criminal investigation may be opened at any time during the force/shooting investigation, if warranted (refer to MPP 3-10/130.00 Activation of IAB Force/Shooting Response Teams).

The Executive Force Review Committee Chairperson shall report the finding of the committee to the concerned employee's Unit Commander via memorandum. If the employee's conduct is determined to be in violation of established Department policy, the

specific Manual of Policy and Procedures section(s) shall be cited. Exemplary performance or conduct will also be acknowledged and appropriate commendations recommended. Similarly, recommendations to debrief involved and/or uninvolved personnel, provide additional training, or conduct counseling also are included in the final memorandum. Issues concerning tactics, training, and/or policy revisions shall be cited and a memorandum forwarded to the appropriate Department Unit/Bureau for consideration.

**NOTE:** In cases where the Executive Force Review Committee fails to reach a unanimous decision, the matter will be referred to the Chief of Professional Standards Division for review and resolution before the case is adjudicated and/or any findings are published. If a unanimous decision still cannot be reached, the Chief shall present the case facts to the Sheriff for a final decision.

The findings of the Executive Force Review Committee shall be forwarded to the concerned employee's Unit Commander. Within thirty (30) business days, the concerned Unit Commander shall evaluate the committee's findings, act on their recommendation(s), document his/her actions, and return the documents, through channels, to the committee chairperson. If the Executive Force Review Committee has determined that a violation of an established policy occurred, the committee shall identify the policy violation(s) and determine the appropriate level of discipline for each employee deemed to have violated Department policy.

In the event the concerned Unit Commander disagrees with the findings and/or recommendations of the Executive Force Review Committee, the dissent must be articulated in a memorandum to the concerned Division Chief or Division Director. The Unit Commander shall also consult with the Office of Independent Review before forwarding the memorandum to his or her Division Chief or Division Director. The Division Chief or Division Director shall present the matter to the Chief of the Division for review and concurrence before the case is adjudicated and/or any findings are published. If a concurrence cannot be reached, the Professional Standards Division Chief shall present the case facts to the Sheriff for a final decision.

The concerned Unit Commander is responsible for ensuring adherence to any recommendations by the Executive Force Review Committee. Any action taken shall be documented by the concerned Unit Commander on the "Unit Commander Response" and returned to the committee Chairperson.

The entire IAB Force/Shooting Response Team case file, including all reports and documents describing the Executive Force Review Committee's findings and recommendations, the concerned Unit Commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets shall be maintained by the Executive Force Review Committee staff. All appropriate databases shall be updated based upon the information contained within the IAB Force/Shooting Response Team case file.

### **3-10/150.00 TACTICAL INCIDENTS**

The fundamental duty of all sworn personnel is to protect life and property.

Members shall be guided by sound tactical principles when involved in any tactical incident. The tactics employed by Department members shall be governed by applicable Department policies, accepted training practices, the exigency of the circumstances, and the application of sound judgment and common sense. Adherence to policies, training, and supervision is critical in preventing an unreasonable response to fear and resolving incidents in the safest manner possible. When reasonable under the totality of circumstances, personnel should use de-escalation techniques such as advisements, verbal persuasion, and other force prevention tactics focused on increasing officer and/or public safety. The Department's Core Values, a reverence for human life, and the safety of all parties shall be considered when deciding on a resolution to a tactical incident.

Following any tactical incident, regardless of significance, the conduct of Department personnel may be evaluated for compliance with established Department policies and state and federal statutes. A primary consideration in determining sound tactics is whether the actions by personnel increase or decrease officer safety, and/or public safety. All personnel shall be prepared to clearly articulate the circumstances which supported their decisions.

NOTE: Tactical incidents include, but are not limited to, responses to crimes in progress, building searches and/or area containment, barricaded suspects, hostage situations, active shooters, foot or vehicle pursuits, pedestrian or traffic stops, missing persons, and any other law enforcement situation where sound principles and tactics should be employed.

The concepts commonly referred to as the six "C"s - COMMAND, CONTAIN, CONTROL, COMMUNICATE, COORDINATE, and CONTINGENCY - shall serve as a guide for all personnel involved.

Tactical incidents commonly share characteristics which must be constantly evaluated and, in most cases, analyzed to ensure a successful conclusion and enhance officer safety in future similar events. A seventh "C" - CRITIQUE - is equally important and shall be performed at the conclusion of any tactical incident.

The scope and sophistication of this critique (commonly referred to as a "debriefing") shall be dictated by the scope and sophistication of the incident. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably immediately following the

event), attended by all involved members and, when appropriate, facilitated by a supervisor. Discretion shall be used by supervisors when critiquing actions which appear to be in violation of Department policy or established law. Supervisors and managers shall make every effort to maintain the technical and tactical proficiency of their subordinates through training, debriefings, tactical discussions, and engaged supervision.

### Incident Command

Personnel at the scene of, or directly involved in, a tactical incident shall demonstrate regard for incident command. In addition, all personnel have a positive duty to actively provide appropriate coordination and ensure communication is shared among participating Department members.

To ensure clarity, avoid confusion, and minimize risk to those involved, the following list of commonly used leadership/incident command terms and their definitions/significance is provided. All personnel shall expect that their conduct may be evaluated based on their adherence to the following principles.

<b>Command</b>	The exercise of <b><i>complete authority</i></b> to direct the actions of others during a tactical incident.
<b>Communication</b>	Accomplished by radio, telephone, direct voice, hand and arm signals, or any other means in which the recipient(s) receives and understands the message and intent.
<b>Contain</b>	A coordinated response for the purpose of isolating and apprehending a person(s) attempting to avoid arrest, detention, or detection, or to locate critically missing person(s).
<b>Contingency</b>	A backup plan or the coordinated process of considering a future, unplanned event.
<b>Control</b>	When a supervisor or Deputy is able to communicate with and coordinate or direct the actions of other personnel.
<b>Coordination</b>	When command personnel are able to organize and direct the actions of all personnel at the scene of a tactical operation to reduce friction, eliminate conflict(s), and integrate efforts to achieve a successful resolution to a specific mission.
<b>Critique</b>	A comprehensive debriefing conducted with all personnel involved in an incident to discuss tactics and other issues identified during a tactical operation. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably

immediately following the event), attended by all involved members and, when appropriate, facilitated by a supervisor.

**Tactical Dilemma** A choice between two or more disagreeable alternatives. The goal of every adversarial operation is to place the suspect in a position where surrender is likely and resistance is futile. Dilemmas can be created with space or time.

### High Risk or Armed Suspects

The intent of this section is to increase Deputy safety and minimize the potential for Deputy-created jeopardy where Deputies place themselves unnecessarily in harm's way.

When dealing with a high risk or suspected armed suspect, sworn members shall be cautiously persistent in performing their duties. Consistent with this philosophy, while every situation is not absolute, in many cases, it may be safer to chase to contain rather than chase to apprehend.

This policy shall be considered when assessing the tactical performance of Deputies involved in deadly force situations. Moreover, the following specific tactical considerations should be utilized when a Deputy is confronting high risk or armed suspects.

### Specific Tactical Considerations

Similarly, the following list of definitions and their significance are general principles which shall be considered and/or employed by all personnel involved in a tactical operation (where appropriate).

- Concealment** Anything which conceals a person from view.
- Cover** Anything which provides protection from bullets or other projectiles fired or thrown. Cover is subjective and its effectiveness depends upon the threat's ballistic capability (handgun, rifle, etc...).
- Cover Fire** Target specific controlled fire which is directed at an adversary who poses an immediate and ongoing lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.
- Tactics** The methods and concepts used to accomplish a particular objective or mission.
- A situation created when Deputy personnel find themselves in

<b>Cross Fire</b>	a position where their field of fire and/or shooting backdrop is occupied by another Deputy who may engage the same intended target.
<b>Danger Area</b>	Any area which lacks or has limited cover and avenues of escape and offers a significant advantage to an adversary (doorway, hallway, staircase, alley, open area, etc...).
<b>Designated Shooter</b>	Deputy personnel assigned to deploy a firearm to protect other Deputies performing a specific mission in an operation and otherwise unable to defend themselves. Designated shooters are responsible for covering a specific threat while other Deputies involved in the operation perform specific tasks that may require their weapon be holstered or secured. These specific tasks/personnel include, but are not limited to, searches of suspects, arrest team personnel, personnel assigned the deployment of less lethal weapons, crowd control personnel, and employees involved in K-9 searches.
<b>Field of Fire</b>	The lane of fire between a shooter and an intended target that will likely be subjected to the impact of fired rounds. A field of fire is not restricted to a direct line between the shooter and intended target, but may be altered as a result of ricochets, or skipped or fragmented rounds. A field of fire is limited by the individual characteristics of the weapon deployed.
<b>Fire Discipline</b>	A controlled and measured rate of gunfire, usually two or three round bursts, which emphasizes maximum accuracy and efficiency and is achieved through constant reassessment and target re-acquisition (if necessary).
<b>Independent Action</b>	Any independent act taken outside a plan and/or without communicating or coordinating intentions with other involved personnel.
<b>Kill Zone</b>	An area in which concentrated fire is intended to neutralize an adversary by exploiting terrain and the impact of fire.
<b>Partner Splitting</b>	Partner splitting during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.
<b>Point of Aim</b>	The specific location the muzzle of a weapon is directed and a fired round is intended to strike.
<b>Shooting Backdrop</b>	An area behind an intended target which may be subjected to the impact of rounds fired from a weapon. A shooting backdrop will rarely be static as it will change as the target



and/or shooter change their position and point of aim.

<b>Sight Alignment</b>	When the top of the front sight is even with the top of the rear sight and there is an equal amount of light visible on either side of the front sight (Combat shooting sight alignment is defined as the use of the front sight blade only and is generally used at close distances, usually under fifteen (15) feet.).
<b>Target Acquisition</b>	The practice of identifying a specific threat and placing that threat within point of aim or sight alignment.
<b>Tactical Position of Advantage</b>	A position which maximizes the ability to control, monitor, or engage a threat in the safest manner possible.

### **3-10/200.00 USE OF FIREARMS AND DEADLY FORCE**

The Department's policy on use of firearms and deadly force is:

- discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each Department member discharging a firearm must establish independent reasoning for using deadly force. The fact that other law enforcement personnel discharge firearms is not by itself sufficient to justify the decision by a Department member to shoot;
- Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others;
- Department members may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, members shall identify themselves and state their intention to shoot before firing at a fleeing felon;
- the firing of warning shots is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired in an effort to stop a person only when the Department member is authorized to use deadly force, and if the member reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter; and
- cover fire is defined as target specific controlled fire which is directed at an adversary who poses an immediate and on-going lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.

### **3-10/210.00 USE OF FIREARMS ON ANIMALS**

The shooting of animals that are not a threat of serious bodily injury to a person has proved to be inherently dangerous to bystanders as well as Deputy personnel. Therefore, Department members shall not use firearms to shoot animals fighting with other animals (e.g., dogs).

If it becomes necessary to destroy an injured (euthanasia) by use of a firearm and the conditions are such that there is an extended or inappropriate response time by the animal control agency, authorization to use a firearm on an animal must be obtained from an on-scene supervisor.

Personnel may use firearms to employ deadly force when dealing with animals when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others.

### **3-10/220.00 USE OF FIREARMS AGAINST VEHICLES AND/OR OCCUPANTS OF VEHICLES**

Firearms shall not be discharged at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening the Department member or another person present with deadly force by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies the use of deadly force.

Department members shall not move into, remain, or otherwise position themselves in the path of a vehicle in an effort to detain or apprehend the occupants. A Department member in the path of a moving vehicle shall immediately attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.

NOTE: If Department members decide to engage in a pursuit of the vehicle, such pursuit shall be governed by the Department's pursuit policy (section 5-09/210.00 et seq.).

This policy may not cover every situation that will arise. Any deviation from the provisions of this policy shall be reviewed on a case-by-case basis.

### **3-10/300.00 DEPUTY-INVOLVED SHOOTINGS - GENERAL PROVISIONS**

#### Definitions:

Hit Shooting: Department member intentionally shoots at a person and any person is hit.

NOTE: Any type of shooting by a Department member which results in a person being hit will be

investigated and documented in the same manner as a “hit shooting.” Exception: Incidents involving persons injured by gunfire at a Department range may or may not be handled according to the “hit shooting” protocol depending on the circumstances.

Non-Hit Shooting: Department member intentionally shoots at a person and no one is hit.

Warning Shot: Department member intentionally shoots as a warning, without intent to shoot at a person.

Animal Shootings: Department member intentionally shoots at an animal, whether or not an animal is hit.

Unintentional Discharge: The initial identification of an incident in which a firearm has been discharged by a Department member without the deliberate intention of the user of the firearm.

Shooting - Other: Department member intentionally shoots at an object.

Immediate action shall be taken to care for the injured, to apprehend suspects, and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

The involved deputies shall then be immediately transported by a supervisor, if possible, or if not, by uninvolved deputies, to the station, unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by deputies or others, and the reasons that the decision to use deadly force was made.

The watch commander or supervising lieutenant is responsible for making an immediate verbal notification to Homicide Bureau following any incident in which shots fired by a deputy result in a person being hit, and in any incident in which a deputy is shot. The watch commander or supervising lieutenant is also responsible for making an immediate verbal notification to the IAB on-call lieutenant following any deputy-involved shooting, including those in which no one is hit, as well as unintentional discharges, warning shots, and shooting at animals. The watch commander shall make an immediate verbal notification to the unit commander anytime an IAB Force/Shooting Response Team is activated. The watch commander shall respond to the location. The involved

employee's unit commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The station unit commander shall also respond to every hit and non-hit deputy-involved shooting (on or off duty) within their station jurisdiction regardless of the involved employee's unit of assignment.

The Department duty commander or involved employee's division commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's division chief or division director. If the location of the shooting is outside Los Angeles County, the involved employee's division commander shall evaluate the incident and determine whether their immediate response is necessary.

Except under exigent circumstances, a deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the IAB Force/Shooting Response Team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by the IAB Force/Shooting Response Team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which an IAB Force/Shooting Response Team responds and conducts a shooting review, the watch commander/supervising lieutenant shall cooperate with and assist team personnel in conducting the review; however, unit-level personnel will not produce a shots fired or incident review. The watch commander/supervising lieutenant shall be responsible for securing the incident scene and identifying and sequestering witnesses as appropriate. In deputy-involved shooting incidents, witness interviews shall be conducted by Homicide investigators or, when no hit has occurred, by the IAB Force/Shooting Response Team members. The IAB Force/Shooting Response Team members may request unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

All unintentional discharges will result in an administrative investigation. Refer to the Guidelines for Handling Unintentional Discharges.

### **3-10/400.00 DEPUTY - INVOLVED SHOOTINGS - PERSON HIT**

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

### **3-10/410.00 DEPUTY RESPONSIBILITIES**

The Deputy assigned to write the first report (SH-R-49) shall provide details briefly describing the initial contact between Department personnel and the suspect. The report shall conclude by stating that a shooting occurred. No further details about the shooting or why it occurred shall be written. With the exception of those firing weapons or witnessing the shooting, supplemental reports shall be written by all personnel involved with the shooting incident/scene to document their observations and actions.

A canvass of the immediate area for witnesses shall be conducted without delay and area canvass cards (SH-R-471) shall be completed and given to Homicide investigators. Deputies canvassing an area who submit supplemental reports need only write what area was canvassed and how many canvass cards were turned in to Homicide investigators.

Supplemental reports of civilian witness statements shall not be written by Field Deputies unless exigent circumstances exist. For example, if a witness refuses to stay at the scene, and a Deputy believes the witness' statement cannot be taken at a later time and must be taken immediately, the Deputy identifying the witness may interview the person and complete a supplemental report to document the interview. If possible, the interview should be recorded (audio or video).

### **3-10/420.00 SUPERVISOR'S RESPONSIBILITIES**

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended, and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment, or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED,  
THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A  
DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN

## CONDUCT INTERVIEWS.

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

### Watch Commander Responsibilities

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to Homicide investigators. All mandated notifications which the Watch Commander makes shall be verbal. A Chief's Memo regarding the incident will not be written. No written notifications of the event shall be forwarded to the media, local dignitaries, or personnel of any rank. These notification procedures shall also apply to Deputy involved non-hit shootings as well.

### Unit Commander Responsibilities

It shall be the responsibility of each Unit Commander to ensure that a sufficient supply of "Deputy Involved Shooting Information and Resources" pamphlets are maintained and available for distribution in the aftermath of a shooting incident or upon request.

### Area Commander Responsibilities

It shall be the responsibility of the involved employee's Division Commander to complete the "Deputy Involved Shooting Commander's Checklist." For shootings which involve employees from different Divisions, the Commander responsible for completing the checklist will be decided upon mutual agreement by the involved employees' Division Commanders. It is critical that the Commander review each section of the checklist for applicability to the incident and implement the recommended actions as needed. The checklist shall be submitted to the involved employee's Division Chief or Division Director on the first business day following the incident. It shall be retained within the Division's shooting book.

The Commander will ensure that the "Deputy Involved Shooting Information and Resources" pamphlets are distributed to all concerned parties, as appropriate. The pamphlet is designed to provide information about what occurs in the aftermath of a Deputy-involved shooting incident.

The Commander shall be responsible for ensuring that the concerned investigative Units' needs are met, for arbitrating any conflicts between investigative Units, and for approving any deviation from the hit and non-hit shooting investigation protocols.

The on-scene Tactical Commander shall be responsible for handling all Commander level responsibilities associated with a Special Enforcement Bureau/SWT response.

### **3-10/430.00 UNIT RESPONSIBILITY - DEPUTY SHOT**

A Sergeant or Lieutenant from the injured Deputy's Unit shall respond to the hospital to act in a liaison role between medical personnel and Department personnel. This supervisor is responsible for organizing the information flow between the hospital and the Department, arranging security details (if appropriate), maintaining order and communicating with the Return to Work Unit.

### **3-10/440.00 HOMICIDE BUREAU'S RESPONSIBILITIES**

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and shall complete the detailed supplemental report of the actual shooting incident. The report shall include all witness statements. Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the IAB Force/Shooting Response Team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur. As soon as practical, a Homicide Lieutenant will give concerned Department executives, IAB personnel, and District Attorney personnel a briefing of the incident and a walk-through of the shooting scene.

### **3-10/450.00 PROFESSIONAL STANDARDS DIVISION (PSD) RESPONSIBILITY**

The IAB Force/Shooting Response Team is responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section 3-10/120.00).

### **3-10/460.00 DEPARTMENT PSYCHOLOGIST RESPONSE TO CRITICAL INCIDENTS**

Personnel involved in critical incidents such as shootings and other life-threatening or non-life-threatening events often experience significant trauma. Unit commanders shall encourage and/or at times require those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a debriefing with a Department psychologist. Incidents that can result in trauma include the use of firearms and deadly force incidents such as wounding or fatally shooting, firing, or attempting to fire, and being fired upon. Other types of critical incidents covered by this policy, whether or not life-threatening to our personnel, include events such as traumatic traffic collisions, death of an infant or child during a rescue operation, serious or career-threatening injuries, death of a partner, colleague, or innocent bystander, and physical confrontations with an armed suspect or inmate which involve substantial danger to the employee.

These circumstances have the potential to affect the performance and health of the employees involved. The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days, weeks, or months later. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

In all use of firearms and deadly force incidents, it is the responsibility of the concerned unit commander to arrange a debriefing between a Department psychologist and all involved personnel no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing. For all other critical incidents covered by this policy, the concerned unit commander shall at minimum strongly encourage or require the involved employees to attend a debriefing with a Department psychologist within five days. Unit commanders should consult with a Department psychologist when uncertain if an event represents a critical incident or if involved personnel should be required to attend a debriefing.

The Department psychologist will confirm for the unit commander that this first debriefing appointment was kept but will not provide any information on the content of the session unless the employee requests such disclosure.

Psychological Services Bureau shall conduct a follow-up contact with each employee via e-mail or phone at two weeks and four months. Should a subsequent face-to-face debriefing be indicated or requested by the employee, that debriefing shall be compensated under the provisions of the employee's Memorandum of Understanding. At any time following the initiation of the debriefing process, the employee may also request confidential counseling sessions related to the critical incident or any other issue, and attend on their own time.

In all shootings involving death or serious injury, the employee who fired the weapon or was fired upon should be given the option of a three-day leave. Upon returning to duty, the employee shall be provided an assignment where risk exposure is minimal. For these types of incidents, every effort shall be made to schedule the initial debriefing with



the Department psychologist within five days of the shooting incident. Psychological Services Bureau shall then conduct a telephonic follow-up at two weeks, and schedule a second face-to-face debriefing with a Department psychologist four months following the initial incident. Such options allow employees an opportunity to marshal their natural coping skills to deal with the emotional impact of the incident prior to returning to regular field duty.

There are times when entire units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

### **3-10/470.00 COMMUNICATIONS AND RUMOR CONTROL**

The Homicide Bureau Lieutenant is responsible for updating the concerned Unit Commander concerning significant developments of any Homicide Bureau investigation. He is also responsible for providing information to the Sheriff's Headquarters Bureau to allow timely notification of the media.

The concerned Unit Commander, once he has been briefed by the Homicide Lieutenant, is responsible for the timely notification of his Area Commander, Division Chief or Division Director, the Assistant Sheriff, and the Sheriff or his executive assistant.

The Homicide Bureau is responsible for preparing a comprehensive memo concerning the facts of the incident. This memo shall be directed to the Sheriff from the Chief of the Detective Division. Distribution will be made to major Department executives, IID Headquarters, the IAB Unit Commander and the concerned Divisions. This memo shall be available at the beginning of the next business day following the shooting. The information shall be simultaneously furnished to the Sheriff's Headquarters Bureau, which is responsible for preparing Department messages to all Units for rumor control.

### **3-10/500.00 DEPUTY - INVOLVED SHOOTINGS - NO ONE HIT**

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment, or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

The IAB Force/Shooting Response Team shall conduct an administrative review of all

situations in which Deputy personnel fire at another person and miss.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.

**3-10/600.00 STATISTICAL COMPILATION - SHOTS FIRED BY OR AT DEPUTIES -  
NO PERSON WOUNDED OR KILLED**

The Internal Affairs Bureau is responsible for the total compilation of all shots fired data. All Division headquarters are required to enter such information into the CARS system by the 4<sup>th</sup> business day of each month, for statistical purposes. Internal Affairs Bureau shall then forward a composite report to the Sheriff.