

LOS ANGELES POLICE COMMISSION

***NON-CATEGORICAL USE OF FORCE
INVESTIGATIONS AUDIT
(Fiscal Year 2005/2006)***



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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EXECUTIVE SUMMARY
Office of the Inspector General
Non Categorical Use of Force Investigations Audit (FY 2005/2006)

PURPOSE

Pursuant to Consent Decree Paragraph 136(i), the Office of the Inspector General (OIG) completed its annual Non-Categorical Use of Force (NCUOF) Investigations Audit (Audit). This paragraph requires the OIG to assess areas of concern identified by the Inspector General and at least one area related to the quality and/or outcome of investigations. For this Audit, the OIG conducted a global assessment to evaluate: 1) the handling of excessive force allegations (if applicable); and, 2) the overall adequacy of NCUOF investigations.

This Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department's (Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the two aforementioned areas. In determining whether a particular concern was reportable, the OIG evaluated the totality of circumstances.

AUDIT METHODOLOGY

Since the Department conducts an annual Department-wide audit of NCUOF investigations, the Audit focused on the "higher-risk" Level I NCUOF investigations. To identify our sample, the OIG requested UOFRD to provide a listing of all Level I NCUOF investigations initiated on or after January 1st 2005 and closed in October 2005. Nineteen investigations were identified and audited by the OIG. The smaller sample size allowed the OIG to listen to all tape-recorded interviews associated with these investigations.

PRIMARY AREAS OF CONCERN

The Audit identified two primary areas of concern with the 19 NCUOF investigations review, as follows:

- **Handling Allegations of Excessive Force:** Generally, as confirmed with Department management, complaint forms are not completed and complaint investigations are not initiated when allegations of excessive force are made during NCUOF investigations. Typically, the investigating supervisor addresses an allegation in an investigating supervisor's note in the NCUOF investigation. As a result, a separate complaint form is not completed, the specific allegation is not adjudicated, and the allegation itself is not reflected on an involved officer's Training Evaluation and Management System (TEAMS) record. As a general rule, the Department only completes a complaint form when the use of force is found "out of policy." Department management has indicated that the adjudication of whether the use of force was "in policy/no action" addresses the allegation of excessive force. The OIG disagrees with the practice for several reasons that are fully delineated in the Audit report.
- **Summarized Statements:** Eight (42 percent) of the 19 investigations had issues with the summarized statements of the subject or public witnesses. Seven had a significant

Executive Summary

Non-Categorical Use of Force Investigations Audit (FY 2005/2006)

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inaccuracy or omission in the summarized statement of at least one interviewee and another investigation had a few summarized statements that appeared nearly identical, indicating that “canned” language may have been used. This concern was discussed with the Commanding Officer of Use of Force Review Division and he indicated that recently his staff began to randomly select tape-recorded interviews of Level I investigations to identify inaccuracies/omissions. Concerns identified through their review could be used to train investigating supervisors by providing exemplars of problematic summaries. The OIG commends the Commanding Officer of Use of Force Review Division for incorporating this additional step to the reviews of NCUOF investigations. It is of note that the OIG identified a similar issue with respect to complaint investigations (see OIG’s Complaint Investigations Audit report dated December 28, 2005). Given that this area appears to be a concern for both NCUOF and complaint investigations, the Department may also want to consider whether additional focused oversight effort by the geographic Bureaus is needed to check the accuracy of summarized statements.

On a positive note, the Audit found that Use of Force Division is doing a good job identifying various investigation deficiencies (excluding tape-recording discrepancies) before the NCUOF investigations are finalized. A majority of the investigations had detailed “kick-back” letters from the Commanding Officer of Use of Force Review Division.

**Office of the Inspector General
Fiscal Year 2005/2006
Non-Categorical Use of Force Investigations Audit**

PURPOSE

Pursuant to Consent Decree Paragraph 136(i), the Office of the Inspector General (OIG) completed its annual Non-Categorical Use of Force (NCUOF) Investigations Audit (Audit).¹ This paragraph requires the OIG to assess areas of concern identified by the Inspector General and at least one area related to the quality and/or outcome of investigations. For this Audit, the OIG conducted a global assessment to evaluate: 1) the handling of excessive force allegations (if applicable); and, 2) the overall adequacy of NCUOF investigations.

This Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department's (Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the two aforementioned areas. In determining whether a particular concern was reportable, the OIG evaluated the totality of circumstances. In some instances, other concerns were identified that did not necessarily fit into the above-mentioned Audit areas. Those concerns are also reported herein.

BACKGROUND

Per Department policy (Special Order No. 13), a NCUOF is defined as an incident in which a Department employee uses a less-lethal control device or physical force to:

- Compel a person to comply with the employee's direction;
- Overcome resistance of a person during an arrest or a detention; or,
- Defend any individual from an aggressive action by another person.

The Department excludes the following incidents from requiring the completion of a NCUOF investigation:

- Use of general grips and joint locks to compel a person to comply with an employee's direction, which does not result in an injury or complained of injury.
- Force used to reasonably overcome passive resistance due to physical disability, mental illness, intoxication, or muscle rigidity of a person, which does not result in an injury or complained of injury.
- Discharges of less-lethal projectile weapons that do not contact a person.
- Force used by an organized squad in a crowd control situation or a riotous situation when the crowd exhibits hostile behavior and does not respond to verbal directions from the Department employees.
- Any incident investigated by Force Investigation Division (e.g., a Categorical Use of Force).

¹ The paragraph was recently amended to allow the OIG the flexibility to determine the manner to best review NCUOF investigations, which serves to enhance the oversight and role of the OIG and to maximize its resources.

All NCUOF investigations are classified into two categories, Level I and II. Level I investigations are generally related to higher-risk NCUOF incidents and involve one or more of the following:

- An allegation of excessive force regarding the force used by a Department employee(s); and/or,
- The force used results in a serious injury, such as a broken bone, dislocation, or an injury requiring sutures;² and/or,
- The injuries to the person upon whom the force was used are inconsistent with the amount or type of force reported by the involved Department employee(s); and/or,
- Accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account.

All other NCUOF investigations are classified as Level II. Level I investigations, unlike Level II, require all subject and public witness interviews to be tape-recorded, unless impractical or the interviewee refuses to be taped-recorded. However, an explanation for the inability to tape-record the interview must be documented. Also, the interview of each subject and witness must be summarized if a statement is not tape-recorded or the person's account of the use of force is in substantial conflict with the involved Department employee's account. The investigator is not required to tape-record the interviews of Department employees who are involved or considered witnesses in the NCUOF and the Department does not require that these interviews be summarized. Uninvolved Area supervisors investigate these uses of force. The Watch Commander/Officer in Charge is instructed to evaluate whether or not the amount of force used was reasonable and consistent with actions reported by involved Department employee(s), ensuring all relevant tactical, use of force, and policy issues are addressed. Based on this assessment, and the totality of the investigation, the tactics and use of force are adjudicated by the Area Commanding Officer, Bureau Commanding Officer, and the Commanding Officer of Training Group. Once the investigation is approved and submitted through the chain of command, Use of Force Review Division (UOFRD) evaluates the investigation. When necessary, UOFRD will "kick-back" the investigation for additional clarification and/or investigation.

Special Order No. 13 has been attached as an addendum to this report.

SCOPE AND METHODOLOGY

Since the Department conducts an annual Department-wide audit of NCUOF investigations, the Audit focused on the "higher-risk" Level I NCUOF investigations. To identify our sample, the OIG requested UOFRD to provide a listing of all Level I NCUOF investigations initiated on or

² If the investigating supervisor is unable to verify the seriousness of an injury or complained of injury, it should be reported as a Level I incident. However, if the subject is admitted to the hospital, Force Investigation Division investigates the incident as a Categorical Use of Force.

after January 1st 2005 and closed in October 2005.³ Nineteen investigations were identified and audited by the OIG.⁴ The smaller sample size allowed the OIG to listen to all tape-recorded interviews associated with these investigations.⁵

The Audit utilized two detailed matrices as a guide to evaluate the investigations and tape-recorded statements. Additional concerns identified in this Audit that were classified as less significant were separately communicated to the Commanding Officer of Use of Force Review Division for consideration and appropriate action.

On March 29th, 2006, the OIG met with the Commanding Officer of Use of Force Review Division and his staff to discuss the Audit's findings.

PRINCIPAL AREAS OF CONCERN

Handling of Excessive Force Allegations

Based on discussions with Department management regarding the findings of this Audit, generally, when a subject (on whom the force is used) and/or witnesses to a NCUOF incident allege excessive force, the allegation is investigated as part of the NCUOF investigation. Typically, the investigating supervisor addresses the allegation in an investigating supervisor's note in the investigation. As a result, a separate complaint form is not completed, the specific allegation is not adjudicated, and the allegation itself is not reflected on an involved officer's Training Evaluation and Management System (TEAMS) record.⁶ As a general rule, the Department only completes a complaint form when the use of force is found "out of policy."⁷ Department management has indicated that the use of force adjudication of whether the force was "in policy/no action" addresses the allegation of excessive force.

This practice raises a concern because a NCUOF investigation can not always be used as a substitute for a complaint investigation. In a NCUOF investigation the Department must positively conclude whether the officers' account of their tactics and use of force correspond with the Department policy, and evidence collected and some investigations are based on the officers' word versus a subject's word on how the use of force occurred. For example, if the involved officers' account corresponded with Department policy regarding when force can be used and consistent with the subject's injuries, but the subject provided a different account of excessive force that also could have caused his injuries, conceivably, the use of force could be adjudicated as "in policy/no action" based on the officers' account. However, if this allegation

³ According to UOFRD, 864 investigations were initiated and closed from January to October of 2005, among them, 86 (10 percent) were NCUOF Level I investigations and 778 (90 percent) were Level II investigations.

⁴ In March 2006, the OIG reverified with UOFRD that only 19 NCUOF Level I investigations met the criteria set by this Audit.

⁵ Historically, Department audits have identified concerns related to the accuracy and completeness of summarized statements in comparison to tape-recorded interviews.

⁶ However, its important to note that the TEAMS record would reflect the NCUOF incident and the adjudication of the use of force.

⁷ For four of the 19 investigations, a complaint form was completed by the Department when a subject/witness alleged excessive force during a NCUOF investigation.

was framed as a complaint, it could have been adjudicated as “not resolved” even if the use of force was found “in policy/no action.”

Special Order 13, 2004 (the Department’s NCUOF investigation policy) does not provide guidance on how to handle allegations of excessive force in NCUOF investigations. Yet the Consent Decree requires allegations of excessive force to be investigated by Internal Affairs Group. From the OIG’s perspective, clarification is needed for the following reasons:

- If the allegation is not framed as a complaint, the involved and witnessing officer interviews are not tape-recorded (these interviews are not required to be tape-recorded in NCUOF investigations). As mentioned in the Additional Matters Section, in most of the investigations reviewed, an arrest report and/or employee’s report served as a summary for all the involved and witnessing officers’ account. Other than the investigator’s statement that the officer accounts are consistent, there is no way to verify this information. However, in complaint investigations of excessive force allegations, the witnessing and involved officers’ tape-recorded interviews are paraphrased which allows for the ability to identify inconsistencies, if any.
- If the allegation is investigated as part of the NCUOF, that investigation needs to be completed within 14 days. However, if the allegation of excessive force is investigated as part of a complaint investigation, the Department has much more time to perform a thorough and comprehensive investigation.⁸
- If the allegation is not framed as a complaint, the person(s) making the allegation will not be notified of their allegation disposition.
- If the allegation is not framed as a complaint, the Department cannot use TEAMS to identify uses of force that have an associated allegation of excessive force.

It is important to re-iterate that not all NCUOF investigations have a complaint associated with them, and if there is an excessive force allegation, the investigation is classified as Level I. In 2005, there were 152 Level I NCUOF investigations that were closed but it is unknown how many of these incidents actually had allegations of excessive force.

Based on discussions with Department management, they are aware of this issue. The Commanding Officer of Use of Force Division indicated that in December 2005, he began discussions with Department management to address lack of guidance in the Department’s policy. However, as of the writing of this report, no official guidance has been provided.

In order to address this issue, the OIG proposes the following for dealing with allegations of excessive force: Internal Affairs Group should review the NCUOF investigation and the tape-recorded interviews of the subject and public witnesses. If the interviews were thorough, the complaint investigation may only need to interview the involved and witnessing officers, since

⁸ The Department strives to complete most complaint investigations within a five-month period.

their statements are generally not tape-recorded and summarized separately in NCUOF investigations.

Recommendation No.1

It is recommended that the Department require allegations of excessive force to be framed in a complaint form and a complaint investigation initiated when allegations are made during NCUOF investigations.

Summarized Statements

The Audit also determined that there continues to be a concern with summarizing statements in NCUOF investigations. The Audit determined that seven of 19 investigations had one or more significant inaccuracies/omissions with the summarized statements of a witness and/or subject. Another investigation had a few summarized interviews that appeared nearly identical, indicating that “canned” language may have been used.

This concern was discussed with the Commanding Officer of Use of Force Review Division and he indicated that recently his staff began to randomly select tape-recorded interviews of Level I investigations to identify inaccuracies/omissions. Concerns identified through their review could be used to train investigating supervisors by providing exemplars of problematic summaries. The OIG commends the Commanding Officer of Use of Force Review Division for incorporating this additional step to the reviews of NCUOF investigations. It is of note that the OIG identified a similar concern with respect to complaint investigations (see the OIG’s Complaint Investigations Audit dated December 28, 2005). Given that this area appears to be a concern for both NCUOF and complaint investigations, the Department may also want to consider whether additional focused oversight effort by the geographic Bureaus is needed to check the accuracy of summarized statements.

SUMMARY OF FINDINGS

The 19 NCUOF investigations were reviewed to evaluate the handling of allegations of misconduct and the adequacy of the investigation. The OIG identified the following concerns:

- As noted above, generally, the Department does not complete a complaint form or initiate a complaint investigation when allegations of excessive force are made during NCUOF investigations. This Audit identified 12 (63 percent) investigations that contained allegations of excessive force that did not result in the allegations being framed in a complaint during the NCUOF investigation.⁹ The OIG elected to report on the details of nine of the more significant allegations of excessive force that highlights the OIG’s concern with this practice. Details regarding the allegations of excessive force for the remaining three investigations, which contained mitigating factors, were separately communicated to the Commanding

⁹ Of the 19 investigations, the Department initiated a complaint form for allegations of excessive force in four investigations, two investigations did not contain an allegation of excessive force, and for a remaining investigation (mentioned later in this report) it was unclear whether an allegation of excessive force was actually made.

Officer of Use of Force Review Division. However the OIG believes that allegations of excessive force in these investigations should have been framed as well.

- As noted above, eight (42 percent) investigations had issues with the summarized statements of the subject or public witnesses. Seven had a significant inaccuracy or omission in the summarized statement of at least one interviewee and another investigation had a few summarized statements that appeared nearly identical, indicating that “canned” language may have been used.
- For three (16 percent) investigations, a witness was not thoroughly interviewed regarding the facts and circumstances of the NCUOF.
- For two (11 percent) investigations, it appears that at least one pertinent witnessing employee was not interviewed.
- There were also other individual concerns identified in six investigations, that included the following:
 - 1) One investigation had an unsupported investigator’s note, in which the investigating supervisor attempted to discredit the subject’s allegation of excessive force.
 - 2) One investigation had an identified concern with the investigator’s conduct during an interview. The investigator appeared to be dissuading a witness from filing a complaint that officers used excessive force on her. The witness never filed a complaint.
 - 3) One investigation had a significant inconsistency in which a medical record indicated the subject alleged excessive force, but the investigation indicated that the subject’s statements during his interview were consistent with the involved officer’s account. The subject’s interview was not tape-recorded and the investigation never addressed the inconsistency.
 - 4) One investigation did not have any evidence of canvassing outside of a residence when it appeared warranted.
 - 5) One investigation indicated that an investigating supervisor who directed the NCUOF incident also conducted the NCUOF investigation. This is prohibited by Department policy.
 - 6) One investigation had follow-up arrest reports completed by the involved officer that were also signed by the investigating supervisor. This is prohibited by Department policy.

On a positive note, all tape-recorded interviews were located, and it appears that Use of Force Review Division is doing a good job identifying various investigation deficiencies (excluding tape-recording discrepancies) before the NCUOF investigations are finalized. A majority of the investigations had detailed “kick-back” letters from the Commanding Officer of Use of Force Division. The OIG’s main concern regarding the adequacy of investigations is the summarized statements of subjects/witnesses.

DETAILED FINDINGS

NCUOF No. 2001273

During this NCUOF incident, the officers were impounding two vehicles and the violators were retrieving their belongings from their vehicles and a large hostile crowd was beginning to form. According to the involved officers, while conducting their investigation, a male, unrelated to the stop, began walking towards one officer, using profanity with him. The officer provided a warning but the suspect (subject no. 1) continued to approach with closed fists. The officer pushed the subject back and then a female suspect (subject no. 2) began to interfere. The officers indicated bodyweight and various other use of force were used on both subjects. Six officers were involved in the two NCUOF incidents. Subject no.1's visible injuries were an abrasion below his left eye and an abrasion to his right elbow. A hobble restraint was applied to subject no. 1. Subject no. 2's visible injury was an abrasion on her right kneecap. Subject no. 1 was arrested for Penal Code 69, obstructing/resisting officer, and subject no. 2 was arrested for Penal Code 243, battery on a peace officer. The tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because a witness (witness no. 1) indicated she wanted to make a formal complaint because an officer pushed her and dragged her on the ground. Witness no. 1 indicated she was not interfering with the skirmish line when this act occurred. Also, as noted below, several of the witnesses made some significant allegations of excessive force used on the two subjects and witness no. 1.

Summarized Statements

There were multiple inaccuracies and omissions in the summarized statements of the witnesses to this use of force. The OIG highlights the following significant ones.

- Witness no. 1 stated she was dragged by an officer and wanted to file a complaint. Witness no. 1 also stated that she saw officers push subject no. 2's head into the ground a couple of times. This information was not included in her summarized statement.
- Witness no. 2 stated in his tape-recorded interview that his other cousin (subject no. 2) was picked up and "slammed" to the ground, he was grabbed and pushed, and he saw the two subjects and witness no. 1 being dragged and choked. However, this information was not included in his summarized statement. It was also noted that the summarized statement of witness no. 2 indicated that "he did not observe an officer use a baton, OC, or strike" on subject nos. 1 and 2; however, that statement was not made during his tape-recorded interview.
- Witness no. 3 indicated that he saw the officers push the subjects (subject nos. 1 and 2) and witness no. 1 was pushed to the ground. Witness no. 3 also alleged that subject no. 1 was

dragged to the police vehicle and the officers “slammed him again,” yet his summarized statement indicates that he said the officers walked subject no. 1 to the police vehicle and he was placed on the ground a second time. The witness also stated he never saw subject no. 1 push or try to punch the officers. Finally, the witness indicated that he saw an officer kneeling on subject no. 2’s neck when her body was in the street and her face was on the concrete and also stated that the officers pushed him and witness no. 2. These statements were not included in the investigative file.

- Witness no. 4 stated an “officer was using his knee kinda violent” and his “knee on her [subject no. 2] neck and her face was turning purple.” He added that one of his cousins used a cellular phone to take a photograph. This information was not included in his summarized statement. Witness no. 4 also stated that subject no. 1 was picked up and dragged to the police vehicle and then “slammed to the ground.” The witness’ summarized statement indicates he saw the officers carry subject no. 1 to the police vehicle.

Thoroughness of Questioning

Witness no. 4 indicated that one of his cousins took a cellular phone photograph of subject no. 2. It is unknown if this photograph was taken during or after the use of force incident, but the investigator did not ask follow-up questions regarding this possible evidence related to the NCUOF incident.

Investigator’s Conduct During Interview

While the investigator was interviewing witness no. 1, she made it clear that she wanted to make a formal complaint, but the investigator implied that there was no need to do that because he would be investigating the entire incident. Witness no. 1 was concerned because she believed the investigation would only be looking at the use of force against the subject and not her separate allegation of force against her and she wanted her complaint investigated. The investigator re-iterated that her concern would be addressed, but the conduct of officers involved in the skirmish line was not the focus of the NCUOF investigation. Witness no. 1 persisted and the investigator told her that she could take a complaint form and mail it in or she could be interviewed in a couple of hours when everything related to the incident was sorted out. Given that the witness clearly indicated she wanted to initiate a complaint, the OIG believes a complaint form should have been completed.¹⁰

NCUOF No. 2000853

In this NCUOF incident, two officers engaged in a foot pursuit of two gang members they believed to be armed. According to the officers, one suspect immediately surrendered and was taken into custody. The other suspect (subject) continued to run. Once they reached the subject, the officers indicated they used a takedown and bodyweight to take the suspect into custody. The subject’s injuries related to the NCUOF included a visible abrasion near his eye, complained of pain to his mid-section and head, and blurry vision. The suspect alleged excessive force from strikes to his head and a punch to his left torso. The suspect also alleged that officers used

¹⁰ It was also noted that the same investigator abruptly ended an interview with another witness, apparently out of frustration with the witness’ inability to recall descriptions of involved officers.

profanity. The suspect was placed under arrest for an unregistered handgun. The involved officers' tactics and use of force were adjudicated as "no action" and "in policy/no action," respectively.

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject alleged that an officer kned his head and punched him. The subject stated that he was already on the ground and complying with instructions given by the officer who was on his back when this occurred.

Accuracy of Investigator's Note

An investigator's note attempts to discredit the subject's account of the use of force by stating, "[he] also claimed to have been punched immediately after being kned. This would have been quite an awkward maneuver for any officer to accomplish without placing most of his bodyweight on the neck/head of the arrestee. [The subject] only complained of quick strikes in succession and not bodyweight." However, based on listening to the subject's tape-recorded interview, the subject complained about the officer's bodyweight and indicated the officer who kned his head and punched him was the second officer who had just arrived, not the officer on his back.

NCUOF No. 2001462

In this NCUOF incident, officers responded to a homicide crime scene and were canvassing the area for witnesses. One officer approached two possible witnesses (a man and his nephew) to the homicide and explained that a homicide occurred at the residence next door to them. One person (subject) stated he did not see anything or know anything and ordered the officer to get off his porch. The officer continued trying to talk to the subject in order to obtain his name and document that he had no information to provide. The subject refused to provide such information and the officer indicated the subject walked up to him, approximately two feet from him, and thrust his shoulders forward in a confrontational manner. The officer then attempted to ask the second possible witness to the homicide if he had any pertinent information. The officer stated the subject continued to try to prevent him from obtaining any information from the other person. Then a supervisor and two additional officers arrived to assist in de-escalating the situation. The supervisor told the subject there was no need to yell and that the officers were just trying to find out if he had any information on the homicide. The subject continued yelling profanities as he walked and flailed his arms around. One officer told the subject to keep his arms down to avoid striking any officers (the incident occurred on a relatively small porch). According to the officer who initiated the contact, the subject disregarded that request and continued to flail his arms. The officers then decided to handcuff the witness (subject) to prevent the situation from escalating further. As one officer grabbed the subject's right arm, the subject stiffened both arms and attempted to pull away. The supervisor told the involved officers to place the subject on the ground to complete the handcuffing. A straight arm takedown was applied and bodyweight was placed on the subject while on the ground. The visible and complained of injuries to the subject were a laceration under his chin; minor abrasions to his

side, bicep, and back area; and slight redness to his shoulder. The subject was not arrested. The tactics for the officer who initiated the contact was adjudicated as “administrative disapproval” (because there was no legal basis to continue questioning the subject) but the use of force was adjudicated as “in policy/training.” The tactics and use of force for the other three involved officers were adjudicated as “no action” and “in policy/no action,” respectively.

The Department initiated a complaint investigation for the unlawful detention and discourtesy allegations. According to the involved officers’ TEAMS record, the complaint investigation is still pending.

The OIG’s evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes the Department should have included an allegation of excessive force on the completed complaint form because the subject indicated an officer kicked him on his chin and a witness indicated the subject was punched on his side.

For this investigation, the complaint form was completed because the officer’s tactics were administratively disapproved and one officer used discourteous language, not because of excessive force allegations made by the subject. In fact, the complaint form did not make any allegations of excessive force. As of the writing of this report, it is unknown if the Internal Affairs Group investigator framed and investigated the excessive force allegation.

Summarized Statements

The tape-recorded interview of one witness revealed that relevant and pertinent statements were omitted from her summarized statements. Specifically, the witness made the following additional statements:

- She stated that voices of both the officers and the subject were raised, not just the subject’s voice, as stated in her summarized statement.
- She stated that the officers were giving confusing commands to the subject, in that one officer told the subject to give him his arm, which was already being held by another officer.
- She stated that one officer on several occasions tried to verbally escalate the encounter by grabbing her son’s hands (another witness). When she questioned the officer, he asked her, "Are you threatening us?"
- She stated that the officers prevented her son (another witness) from entering the house.

Interviewing all Key Witnesses

The tape-recorded interviews of two witnesses indicated that a female officer and a male Hispanic officer were also witnesses to the use of force. However, there is no mention of these two officers in the NCUOF Report or the related Employee’s Report. It appears that the two officers were the partners of two involved officers. Yet, there was no indication that these officers were interviewed.

NCUOF No. 2001269

During this NCUOF incident, the involved officers responded to arrest a narcotics suspect in conjunction with a gang/narcotic enforcement team task force. According to the officers, the suspect (subject) failed to comply with officer's orders to go to his knees prior to handcuffing, and attempted to flee on foot. The officers reached the subject and he violently resisted until being overpowered and handcuffed. The officers reported using several types of force, including punches, a takedown, and distraction strikes. The subject's sustained injuries included a laceration to his forehead and tongue, and a bruised left eye and left shoulder. The subject also required stitches in his mouth. The suspect was arrested for Penal Code 245(c), assault with a deadly weapon on a peace officer. The involved officers' tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

The OIG's evaluation of this NCUOF investigation identified the following:

Other Concern

The subject made a spontaneous statement while at the hospital that "his head was pushed into a brick wall and he was kicked in the head." Additionally, the subject's mother subsequently came to the police station to make a complaint of excessive force and stated her son told her he was "kicked in the mouth." However, the investigator who interviewed the mother told her that since her allegation was made as part of the use of force, a separate complaint investigation would not necessarily be performed. He indicated that once the Area Commanding Officer reviewed the use of force investigation along with her statement, it would be determined whether a complaint investigation would be initiated. The investigator added that if the Commanding Officer adjudicated the use of force as "in policy" then "that would be the end of it." He further stated that if she felt the use of force was not adjudicated properly, then she could contact the Office of the Inspector General or others to initiate a complaint. However, neither the subject nor the mother would be notified of the outcome of the NCUOF investigation. The investigator may have responded in this fashion because there is a lack of guidance on when a complaint form needs to be completed during NCUOF investigations.

Through the OIG's follow-up, it was noted that a complaint form was completed four days later for the excessive force allegations. According to the involved officers' TEAMS record, the complaint investigation is still pending.

NCUOF No. 2000399

During this NCUOF incident, officers responded to a radio call involving a burglary suspect inside his ex-wife's residence. The suspect (subject) was then arrested on a misdemeanor warrant. According to the officers, while they were walking the subject to their patrol vehicle, the subject attempted to "gyrate" toward his ex-wife and in the process the subject and officers fell to the ground. The subject alleged that the officers caused his fall. According to the subject's medical report, he had a contusion to his forearm. Due to the verified injuries and the subject's complaint of officers using excessive force, the NCUOF investigation was elevated to

Level I. The involved officers' tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject indicated he wanted to initiate a complaint and alleged that officers unnecessarily "slammed" him against the hood of a vehicle and put on his handcuffs too tight.

Summarized Statements

Since there were significant inconsistencies between the subject's account when compared to the officers' and witnesses' accounts, the subject's tape-recorded interview should have been summarized. Instead, only certain pertinent statements from the subject's tape-recorded interview were mentioned in an investigator's note, specifically, that he alleged he was "slammed" on the hood of his ex-wife's vehicle even though he was not resisting. However, the investigative file omitted the subject's statement that he wanted to initiate a complaint and that his handcuffs were put on his wrists too tight.¹¹

Canvassing the Scene

The subject, in his tape-recorded interview, stated that homeless people and possibly some neighbors saw the incident, but there is no documentation in the file to indicate whether canvassing took place outside of the residence. The OIG believes a canvassing outside the residence should have been performed, even if the investigator elected not to perform a "door to door" style canvassing.

NCUOF No. 2000548

During this NCUOF incident, officers were responding to a family dispute involving a mentally ill male, who subsequently ran from the officers and went onto a second floor balcony. According to the officers, a tactical plan was formulated to take the subject into custody. One officer attempted to grab the subject's arm but he resisted. Several officers performed a team takedown and applied bodyweight to eventually handcuff the subject. A hobble restraint was also used because the subject was kicking. Medical treatment was provided to the subject, who was put on a 72-hour hold, but he refused to sign a medical release form. Visible injuries on the subject were abrasions to one side of his face, lower lip area and both knees. Due to the inconsistency between the officers' and subject's accounts (the subject stated he was not resisting), this incident was elevated to Level I. The tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

¹¹ The photographs in the investigative file show redness on the subject's wrists.

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject alleged (during his tape-recorded interview) that he was not resisting the officers but the officers "choked" him and he blacked out for a few seconds. According to the officers, they did not use an upper body control hold on the subject.

Summarized Statements

The investigator documented that the subject "stated an upper body control hold had been placed around his neck during the course of the arrest." However, in listening to the tape-recorded statement, the subject also stated that he did not resist the officers' attempt to control him and that he blacked out (for a few seconds) after he was "choked." This information was not included in the subject's summarized statement.

Investigator of the NCUOF Investigation

The supervisor who directed the overall incident and may have witnessed the NCUOF also conducted the NCUOF investigation, which is prohibited by Department policy.

NCUOF No. 2001468

In this NCUOF incident, two officers observed a group of male Hispanics dressed in gang attire. According to the officers, as they attempted to conduct a consensual encounter, the suspect (subject) grabbed his waistband and initially walked, then ran from the officers. Both officers went in foot pursuit (one with gun in low ready position) as they believed the subject was armed. At the end of the pursuit, one of the officers observed a firearm in the suspect's hand, which he deflected by pushing and striking the subject resulting in a NCUOF. The subject sustained contusions to his face and scratches to his neck. The subject was arrested for Penal Code 664/187(a), attempted murder. The involved officers' tactics were adjudicated as "training" and the use of force was adjudicated as "in policy/no action."

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject alleged he was choked by the officer and not resisting. The investigator attributed the subject's allegation to one officer stating he put his arm across the subject's chest to prevent the subject from spinning on him.

Approximately two months after this NCUOF incident, the subject's attorney initiated a complaint through the OIG on the subject's behalf. The attorney alleged that the involved officer lied when he accused the subject of attempting to murder him and also claimed that the criminal investigator exhibited unbecoming conduct and was discourteous during the interview with the subject. The attorney did not notify the OIG regarding the allegation of excessive force so it was not included in the completed complaint form. According to the involved officers' TEAMS record, the complaint investigation is still pending.

Summarized Statements

The summarized statement of the subject indicated one officer choked him. However, listening to his tape-recorded interviews revealed that the subject also stated he was not resisting and did not have a firearm.

NCUOF No. 2001354

During this NCUOF incident, two officers observed a group of suspects with dice and money gambling next to a wall. According to the involved officers, the suspects fled as officers approached them. One suspect (subject) sustained injuries when he fell on the ground while fleeing. A NCUOF occurred when the officers used bodyweight and a wristlock when trying to gain control of him on the ground. The suspect complained of injury to his wrist from the NCUOF. Other injuries unrelated to the NCUOF were abrasions to both of his knees and his hand. The suspect was arrested for Health and Safety Code 11351.5, possession of cocaine base for sale. The involved officers' tactics were adjudicated as "training" and the use of force was adjudicated as "in policy/no action."

The subject indicated he wanted to initiate a complaint for excessive force, and accordingly, a complaint form was completed and a complaint investigation was initiated. According to the involved officers' TEAMS record, the complaint investigation is still pending.

The OIG's evaluation of this NCUOF investigation identified the following concern:

Summarized Statements

During the subject's tape-recorded interview, he indicated that he was seated on a bench and one of the officers said, "You dope-selling [profanity omitted]." The suspect indicated that he told the officer that he did not know what he was talking about. He further told the officer that he was only there playing dice. This statement was not included in the subject's summarized statement.¹²

NCUOF No. 2000246

During this NCUOF incident, the involved officers stopped the suspect (subject) for a traffic violation. A subsequent want and warrant check revealed that the subject had an outstanding fugitive warrant. According to the officers, the subject resisted the officers' attempts to handcuff him and the subject tried to run away. The officers performed a team takedown and the subject continued to resist being handcuffed while on the ground. The subject was ultimately handcuffed and although he had no visible injuries, he complained of pain to his ankles, knee, and back as a result of the use of force. The subject was booked for Penal Code 69, resisting arrest and threatening an officer. The subject alleged excessive force (based on his medical report). The involved officers' tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

¹² The completed complaint form did not include this allegation of discourtesy.

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Addressing Significant Inconsistencies

The investigation did not include sufficient information to resolve whether the subject alleged excessive force. Specifically, a medical report indicated that the subject stated he was "jumped" by the officers and thrown to the ground. While this information could be consistent with the use of force reported by the involved officers, the record went on to say that the subject stated, "excessive force has been used." The investigator indicated that the subject's and witnesses' interviews were not tape-recorded because the investigation was initially classified as a Level II investigation, but the investigator's note indicates that the subject, witness, and officer accounts did not differ substantially. However, the inconsistency was not resolved by the investigation.

Other Concern

The arrest report indicated that an independent witness (voluntarily and unsolicited) placed her foot on the subject's shoulder to help calm and restrain the subject when the officers were attempting to handcuff the subject. This tactical concern was not addressed in the adjudicator's assessment of tactics but the OIG would have preferred that it had been considered.

NCUOF No. 2001197

During this NCUOF incident, two officers initiated a pursuit of an unregistered vehicle. The vehicle stopped and the passenger (suspect) ran. According to the officers, they pursued the suspect (subject) who discarded a gun during the chase. Before being apprehended, the subject fell twice on cement stairs and walkway. The subject resisted them, resulting in the officers using distraction strikes to gain compliance. The suspect sustained abrasions and scratches to his face, shoulder, arm, rib cage area, and knee and he was arrested for Penal Code 12025, carrying a concealed weapon. The involved officers' tactics and use of force were adjudicated as "no action" and "in policy/no action," respectively.

Due to the subject's allegation of excessive force, a complaint form was completed and a complaint investigation was initiated. According to the involved officers' TEAMS record, the complaint investigation is still pending.

The OIG's evaluation of this NCUOF investigation identified the following concern:

Summarized Statements

For this investigation, most of the subject's statements made in his tape-recorded interview were adequately summarized. However, the subject's tape-recorded statement that he did not resist or have a gun when the officer started kicking him was not included in his summarized statement. As noted above, the excessive force allegation was framed in a completed complaint form.

NCUOF No. 2001351

During this NCUOF incident, two officers responded to a radio call of an assault with a deadly weapon. Officers located two suspects, and one of them matched the description. According to

the officers, the suspect (subject) was resisting officers' attempts to handcuff him and they used firm grips, a takedown, bodyweight and other physical force to gain compliance. The subject's visible sustained injuries were abrasions to his chest and back and a bump to his cheek. The subject was arrested for a felony warrant and the other suspect (not involved in a use of force) was arrested for a misdemeanor warrant. The involved officers' tactics were adjudicated as "no action" and the use of force was adjudicated as "in policy/no action."

The subject alleged excessive force and a complaint form was completed.

The OIG's evaluation of this NCUOF investigation identified the following concern:

Summarized Statements

The summarized statements for a few interviews appeared to contain nearly identical "canned" language.¹³ This type of approach to writing up interviews can call the authenticity of the statements into question. The interviews of these witnesses were not tape-recorded. However, as noted above, a complaint form was completed and a complaint investigation was initiated for the allegation of excessive force.

NCUOF No. 2001397

In this NCUOF incident, two officers observed a possible rape suspect (subject no. 1) with another suspect (subject no. 2) in a housing development. Both individuals were detained. Subject no. 2 was detained for a trespassing investigation. According to the officers, during the detention process, subject no. 1 became combative and a Level I use of force occurred involving three officers. Suspect no. 1 sustained an abrasion, a contusion and complained of pain to his shin, shoulder, and wrist. Suspect no. 1 was arrested for Penal Code 243(b), battery on a peace officer and 602 Welfare and Institution Code, rape. Suspect no. 2 was arrested for Penal Code 148(a)(2), obstructing/resisting a peace officer.¹⁴ A third suspect was also arrested for Penal Code 243(b), battery on a peace officer. The arrest report indicated that suspect no. 3 grabbed the officer while in the process of arresting suspect no. 2. The tactics and use of force by the officers involved in these two uses of force were adjudicated as "in policy/training" and "in policy/no action," respectively.

The OIG's evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because an independent witness who called "911" indicated she wanted to file a formal complaint. The witness stated that an unknown officer assaulted an unknown male and verbally threatened an unknown female

¹³ All of the written summaries of witness statements were prepared in a standardized manner with similarities. For example, for interviews of two witnessing officers (a male and a female), their summarized statements indicated, respectively, "she observed that [the subject] was being ordered out of the vehicle and he complied with the commands."

¹⁴ Force was used against suspect no. 2 and as such, a Level II NCUOF investigation was completed for that use of force. Suspect no. 2 was not injured during the incident.

(suspect no. 3) who was pregnant (per the 911 transcript). The dispatcher then notified the Area's Watch Commander of the witness' intention to file a complaint. The summarized statement of this witness also indicates that she said one officer pushed suspect no. 3 for no reason and used profanity. Although the OIG recognized that the summarized statement for suspect no. 3 indicated the officer did not use profanity, she was not injured, and did not observe any inappropriate action by the involved officers, there is no evidence in the file explaining why a complaint form was not completed.¹⁵

Approval of Related Arrest Reports

The same investigating supervisor approved multiple follow-up reports to the arrest report that were written by one of the involved officers. However, Department policy prohibits the investigating supervisor of a NCUOF investigation from approving reports related to the arrest of the subject.

Interviewing all Key Witnesses

Based on a review of the arrest report, the officer who arrested suspect no. 3 may have witnessed the use of force but the investigative file did not indicate that the officer had been interviewed. If the officer did not witness the NCUOF, the investigating supervisor should have noted that information in the investigative file.

Other Concern

A supervisor, despite insufficient articulation of the reasonable suspicion to detain subject no. 1, approved the arrest report. The original arrest report did not articulate enough reasonable suspicion to detain subject no. 1. The report indicated that the officers received information that a sexual assault occurred in the area the night before and the suspect was described as a light-skinned male Hispanic. The officers were patrolling the area and saw that the suspect "looked in their direction and immediately turned around and began running." The officers indicated they believed he was possibly involved in the assault and attempted to detain him. However, the officers did not include enough descriptive information (of the wanted suspect, other than he was light-skinned) in the original arrest report to justify their reasonable suspicion to detain subject no. 1. A follow-up to the arrest report was completed the next day that provided details on the information the officers obtained prior to spotting subject no. 1. Information in the follow-up arrest report supported that the officers had reasonable suspicion, but the OIG is concerned that a supervisor approved the original report that did not articulate a legal basis for the initial detention.

NCUOF No. 2001576

In this NCUOF incident, officers conducted an investigative traffic stop and ordered the three occupants to get out of the vehicle. According to one officer, he was attempting to detain one suspect (subject) and he spun away and was allegedly trying to strike the officer with his right elbow. The officer applied a takedown on the subject and pulled him to the ground. The subject sustained a dislocated right shoulder as a result of the force used and he was arrested for Penal

¹⁵ None of the interviews for this investigation were tape-recorded.

Code 594(b)(1), felony vandalism. The tactics and use of force by the involved officers were adjudicated as “no action” and “in policy/no action,” respectively.

The OIG’s evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject stated that he turned around to ask an officer why he was grabbing him and the officer pulled him to the ground, which resulted in a dislocation to his right shoulder. The subject indicated that he did not turn around in an aggressive or combative manner. The officer indicated the subject was trying to strike him with his elbow.

Thoroughness of Questioning

A witness was interviewed and indicated the subject turned around towards the officer, but the investigator should have asked additional questions about whether the subject was attempting to strike the officer with his elbow. This would help to evaluate whether the subject was turning around in a combative or aggressive manner.

NCUOF No. 2001575

In this NCUOF incident, two officers conducted a pedestrian stop of five individuals to investigate possible narcotic sales activity. One officer was dealing with one suspect (subject) and after the officer conducted a pat-down search and located a pipe for narcotic use, the subject began walking away from the group. According to the one officer, he ordered the subject to stop, as he believed the subject was attempting to flee with narcotics. The officer chased after the subject and the officer indicated that when the subject stopped and turned around, he appeared to take an aggressive/combative stance; so the officer used his collapsible baton to strike the subject in the right shin. The subject fell to the ground and sustained a laceration to his right shin. The subject was arrested for Health and Safety Code 11364, possession of drug paraphernalia. The involved officer’s tactics and use of force were adjudicated as “training” and “in policy/no action,” respectively.

The OIG’s evaluation of this NCUOF investigation identified the following concerns:

Handling of Excessive Force Allegations

The OIG believes a complaint form should have been completed because the subject indicated he turned around saying “okay, okay,” and was going down to the ground complying with the officer’s orders, but the officer struck his shin with a collapsible baton “for no reason.” The officer indicated the subject turned around in what appeared to be an aggressive stance and failed to comply with the officer’s orders to go to the ground. In a tape-recorded interview of a public witness to the NCUOF incident, the witness indicated that the subject turned around and said “alright, alright” and the witness heard the officer tell the subject to get to the ground two times prior to making the baton strike.

Thoroughness of Questioning

The above-mentioned witness, whose interview was tape-recorded, should have been questioned more in-depth. Specifically, the investigator should have asked additional questions about the stance of the subject and whether the subject appeared to be aggressive or complying with the officer's instructions. This would help to evaluate whether the subject was in an aggressive stance when the officer struck the subject with his collapsible baton.

ADDITIONAL MATTERS

Tracking of Allegations

It is important to note that the Department's current practice of generally not completing complaint forms for allegations of excessive force impacts the Department's overall tracking of allegations. For this Audit, the OIG identified 12 NCUOF investigations with allegations of excessive force that did not result in the allegation being framed. Also, although not related to this Audit, the OIG's most recent Complaint Investigations Audit determined that 10 (22 percent) of 46 complaint investigations the OIG reviewed did not frame one or more "significant" allegations made by a complainant.¹⁶ While these figures cannot be projected Department-wide (as judgmental samples were utilized), it raises a concern regarding the completeness of allegations tracked by the Department.

Investigating Supervisors Signing NCUOF Reports

For 12 (63 percent) of the 19 NCUOF investigative files reviewed, the investigating supervisor did not sign the NCUOF Report.¹⁷ The typewritten name of the investigating supervisor appears in the designated section of the NCUOF Report; however, the supervisors did not sign the report to confirm that they: 1) reviewed all reports related to the NCUOF; 2) were not involved in the NCUOF; and, 3) interviewed all involved Department employees separately. The OIG recognizes that Department policy does not specifically require a signature in this section, but given its importance, this requirement should be added.

Recommendation No. 2

It is recommended that the Department add a requirement to its policy that investigators of the NCUOF provide a signature that verifies that they: 1) reviewed all reports related to the NCUOF; 2) were not involved in the NCUOF; and, 3) interviewed all involved Department employees separately.

¹⁶ This figure did not include four additional investigations that had unframed allegations as well, but because there were mitigating factors in comparison to the other allegations (e.g., the complainant already demonstrated credibility concerns, or a non-witnessing third party made the allegation but the involved party did not make the allegation in his/her interview), they were not classified as "significant." However, allegations made in these investigations should have been framed as well. Therefore, there were a total of 14 (30 percent) of 46 complaint investigations that did not frame one or more allegations of misconduct, regardless of the OIG's classification.

¹⁷ NCUOF numbers 2000399, 2001273, 2001299, 2001351, 2001373, 2001412, 2001462, 2001468, 2001477, 2001576, 2001596 and 2001705

Documentation of Inconsistencies

Based on a review of the NCUOF investigations, the investigating supervisor's notes section does not always document substantial conflicts between involved officer accounts and the witness/subject accounts, as required by Department policy. However, these accounts were identifiable through a review of the investigation file but it appears that this requirement needs to be re-emphasized to Department supervisors.

Recommendation No. 3

It is recommended that the Department re-emphasize that conflicting statements need to be documented and addressed in the investigating supervisor's notes section.

Tape-Recorded Interviews

The OIG noted that seven (37 percent) of the 19 NCUOF incidents were reclassified from Level II to Level I investigations. For four, there were consequences, in that the interviews of 11 public witnesses and three subjects were not tape-recorded. Re-interviews of most of these interviewees were not attempted.¹⁸ The OIG believes the Department should consider revising its policy to require investigating supervisors to re-interview and tape-record applicable witnesses and subjects if the NCUOF investigation is elevated to Level I and the original interviews were not tape-recorded, especially when there are significant injuries to a subject or an allegation of excessive force.

Recommendation No. 4

It is recommended that the Department consider revising Department policy to require investigating supervisors to re-interview and tape-record applicable public witnesses and subjects if the NCUOF investigation is elevated to Level I and the original interviews were not tape-recorded, especially when there are significant injuries to a subject or allegations of excessive force.

Officer Statements

Department policy does not require involved and/or witnessing officer statements to be tape-recorded or summarized. Often, a single arrest report and/or employee report is used as an account for several officers. None of the 19 investigations documented any inconsistencies between officer statements (whether witnessing or involved). However, five investigations did not provide a comment on consistency between officer accounts.¹⁹ It is suggested that this requirement be re-emphasized to investigating supervisors.

Recommendation No. 5

It is recommended that the Department re-emphasize to NCUOF investigating supervisors the requirement to comment on the consistency between officer statements.

¹⁸ For another investigation, a witness' interview was not tape-recorded and the reason was not documented even though it was already classified as a Level I investigation and another investigation indicated that two witnesses were not tape-recorded because the batteries for the tape recorder died.

¹⁹ NCUOF Nos. 2000853, 2001273, 2001354, 2001477, 2001576.

Special Order 13, 2004 Regarding Reportable Uses of Force

Department policy, Special Order 13, 2004, delineates the NCUOF requirements and exceptions. However, the OIG noted two instances in which there was a use of force but the officers either applied the force to protect the subject from injuring himself or at the direction of attending medical personnel. A NCUOF investigation was not performed and Department management agreed with the determination. The following illustrates these two instances:

- 1) Officers detained a mentally ill male and transported him to the station. After arrival, the subject indicated he was having difficulty breathing and the officers requested a Los Angeles Fire Department rescue ambulance for a possible overdose. When the paramedics arrived, the subject began to scream uncontrollably, kick, and spit at the paramedics, making it difficult to render aid. During the incident, the subject claimed he suffered from hepatitis C, tuberculosis, and human immunodeficiency virus (HIV). The paramedics placed a surgical mask over the subject's face, as he continued to spit and kick at them. The mask moved below his mouth allowing him to continue to spit. At the request of a paramedic, one officer placed a towel across the subject's forehead to control the subject from thrusting forward. The subject went into full cardiac arrest at the hospital and was pronounced dead an hour and a half after his initial detainment. The coroner's office confirmed that the subject passed away due to a drug overdose.
- 2) Officers responded to a domestic violence radio call. The officers indicated that they handcuffed the subject but then he voluntarily dropped to the ground next to a stairway and the officers applied their bodyweight to prevent the subject from injuring himself. The subject was actively kicking while on the ground and moving his head back and forth. The officers contended that they were attempting to prevent the subject from falling down the stairs, and thus utilized bodyweight. The officers reported the incident to a supervisor and that responding supervisor determined a NCUOF investigation was not required and the Area Commanding Officer ultimately agreed with that assessment. However, the responding supervisor did initiate a complaint investigation due to the subject's (complainant's) allegation of excessive force. During the complainant's initial interview in the complaint investigation he abruptly ended the interview and refused to cooperate. At the time, he did not allege he was injured.

The OIG recognizes that a NCUOF incident is defined as an incident in which any Department employee uses a less-lethal control device or physical force to: 1) compel a person to comply with the employee's direction; 2) overcome resistance of a person during an arrest or a detention; or, 3) defend any individual from an aggressive action by another person. There are only a few exceptions to the completion of a NCUOF investigation. However, there are no stated exceptions related to force to prevent subjects from injuring themselves and to assist medical personnel treating subjects and it is unclear whether this type of force meets the reporting criteria. The Department should examine this area and determine whether uses of force of this nature require a NCUOF investigation.

Miranda Admonition of Subjects

The OIG noted potential concerns with the interviews of subjects charged for crimes that may have resulted from the altercation with officers. Specifically, the OIG identified four investigations in which the subject invoked his Miranda Rights during his criminal investigation interview, but for administrative purposes the subject gave a statement in the NCUOF investigation. The OIG is concerned that the invocation of Miranda may have an impact on whether the Department should then interview the subject for administrative purposes. The OIG also noted a few investigations in which the subject was not given his Miranda Admonition but was interviewed as part of the NCUOF investigation. A couple of these investigations then referenced the subject's interview tape number in a follow-up arrest report.

The OIG discussed its concern with the Commanding Officer of Use of Force Review Division and he indicated that his office had already requested clarification from Planning Research Division and the City Attorney on this issue.

CONCLUSION

The principal areas of concern that require focused attention by the Department include providing official guidance on handling allegations of excessive force made during NCUOF investigations and identifying inaccuracies/omissions in summarized statements of subjects and public witnesses. The Audit found that Use of Force Division is doing a good job identifying various investigation deficiencies (excluding tape-recording discrepancies) before the NCUOF investigations are finalized. A majority of the investigations had detailed "kick-back" letters from the Commanding Officer of Use of Force Review Division. The OIG has offered several recommendations for the Department to consider to address concerns noted throughout this Audit.

RECOMMENDATIONS

The OIG recommends that the Department:

- 1) Require allegations of excessive force to be framed in a complaint and a complaint investigation initiated when allegations are made during NCUOF investigations.
- 2) Require that the investigators of the NCUOF provide a signature that verifies that they:
 - 1) reviewed all reports related to the NCUOF; 2) were not involved in the NCUOF; and,
 - 3) interviewed all involved Department employees separately.
- 3) Re-emphasize that conflicting statements need to be documented and addressed in the investigating supervisor's notes section.

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- 4) Consider revising Department policy to require investigating supervisors to re-interview and tape-record applicable public witnesses and subjects if the NCUOF investigation is elevated to Level I and the original interviews were not tape-recorded, especially when there are significant injuries to a subject or allegations of excessive force.
- 5) Re-emphasize to NCUOF investigating supervisors the requirement to comment on the consistency between officer statements.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

May 26, 2004

SUBJECT: NON-CATEGORICAL USE OF FORCE REPORTING - REVISED

PURPOSE: To clarify and streamline the use of force process, this Order revises the procedure for reporting Non-Categorical use of force incidents. While the process for *investigating* Non-Categorical uses of force has not changed, including requirements to conduct independent interviews and collect photographs and other physical evidence (4/245.10), this Order is expected to hasten the Non-Categorical use of force reporting process.

The purpose of this Order is to:

- * Clarify the definition of a reportable Non-Categorical use of force incident;
- * Establish a dual use of force reporting process (Levels I and II) to include an expedited procedure for reporting less serious Level II incidents;
- * Require supervisors investigating Level I use of force incidents to tape record the subject of the use of force and all non-Department employee witnesses;
- * Revise the procedure for gathering injury and medical treatment information in cases where the subject of the use of force refuses to sign an Authorization for Release of Medical Information Form (Medical Release Form);
- * Assign the Commanding Officer, Training Group (TG), as the final review authority for Non-Categorical use of force incidents; and,
- * Revise the Non-Categorical Use of Force Report, Form 1.67.05, and the Non-Categorical Internal Process Report, Form 1.67.04.

PROCEDURE:

I. NON-CATEGORICAL USE OF FORCE INCIDENT - DEFINED. A Non-Categorical use of force incident is defined as an incident in which any on-duty Department employee or off-duty employee whose occupation as a Department employee is a factor, uses a less-lethal control device or physical force to:

- * Compel a person to comply with the employee's direction; or,
- * Overcome resistance of a person during an arrest or a detention; or,

- * Defend any individual from an aggressive action by another person.

The following incidents are **not** reportable as a Non-Categorical use of force:

- * The use of a C-grip, firm grip, or joint lock to compel a person to comply with an employee's direction, which does not result in an injury or complained of injury;
- * The use of force reasonable to overcome passive resistance due to physical disability, mental illness, intoxication, or muscle rigidity of a person (e.g., use of C-grip or firm grip, joint lock, joint lock walk down or body weight), which does not result in an injury or complained of injury;

Example: An officer uses a firm grip to overcome a suspect's initial resistance (i.e., pulling away) to being handcuffed. Since there are no injuries or complained of injuries, this incident is not a reportable use of force.

- * Under any circumstances, the discharge of a less-lethal projectile weapon (e.g., beanbag shotgun, TASER, 37mm or 40mm projectile launcher, any chemical control dispenser or Compressed Air Projectile System) that does **not** contact a person;

Note: Such incidents shall be reported on an Employee's Report, Form 15.7, and submitted to the commanding officer for review and appropriate action. After all risk management, misconduct, or policy issues are identified, the Form 15.7 shall be forwarded to TG for review and retention.

- * Force used by an organized squad in a crowd control situation, or a riotous situation when the crowd exhibits hostile behavior and does not respond to verbal directions from Department employees. Such incidents are documented via an after-action report or Sergeant's Daily Report, Form 15.48.0; and,

Note: Department Training Bulletin XXVIII dated October 1996 entitled, "Use of Force Baton - Part II, Crowd Management and Control," states that isolated incidents resulting from a crowd control situation may require a use of force investigation as determined by a supervisor at the scene.

* Any incident investigated by Critical Incident Investigation Division (CIID).

II. NON-CATEGORICAL USE OF FORCE REPORTING LEVELS - ESTABLISHED. All Non-Categorical use of force incidents shall be initially classified by the investigating supervisor as either Level I or Level II and reported based on guidelines established in this Order.

A. Level I Incident. A Non-Categorical use of force shall be reported as a Level I incident under the following circumstances:

1. An allegation of unauthorized force is made regarding the force used by a Department employee(s); or,
2. The force used results in a serious injury, such as a broken bone, dislocation, an injury requiring sutures, etc., that does not rise to the level of a Categorical use of force incident; or,

Note: If the investigating supervisor is unable to verify the seriousness of an injury or complained of injury, it shall be reported as a Level I incident. If the injury requires admission to a hospital, the incident becomes a Categorical use of force and will be investigated by CIID.

3. The injuries to the person upon whom force was used are inconsistent with the amount or type of force reported by involved Department employee(s); or,
4. Accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account.

B. Level II Incident. All other reportable Non-Categorical uses of force that do not meet Level I criteria shall be reported as Level II incidents. This will include the use of an impact device or less-lethal munitions with hits.

Note: If the use of an impact device or less-lethal munitions causes a serious injury such as a broken bone, dislocation, or an injury requiring sutures, etc., and does not rise to the level of a Categorical use of force, it shall be reported as a Level I incident. Department employees are reminded that any person struck with a baton shall be transported to a Department approved medical facility for medical treatment prior to booking (Training Bulletin XXXV, Issue 6, May 2003).

III. NON-CATEGORICAL USE OF FORCE REPORTING - REVISED. The procedure for reporting Non-Categorical use of force incidents has been revised to include the changes listed below. With the exception of revisions outlined in this Order, Special Order No. 27, 2001, "Investigating and Adjudicating Non-Categorical Uses of Force," remains in effect.

A. Mandatory Tape-Recording. Supervisors investigating a Level I incident shall tape record statements from the subject of the use of force and all non-Department employee witnesses. Recorded interviews shall be conducted in accordance with Department guidelines established in *Complaint Investigations: A Guide for Supervisors*. If tape recording is not practical or an individual refuses, an explanation is required (See Section V for documentation guidelines).

B. Role of Witnessing Supervisor. Generally, a supervisor who witnessed a Non-Categorical use of force incident should not conduct a use of force investigation. However, the watch commander may make exceptions on a case-by-case basis, based on exceptional operational needs. The watch commander shall document the exceptional operational need in the Non-Categorical Use of Force Internal Process Report (IPR). Under no circumstances shall a supervisor *involved* in a use of

force incident be permitted to conduct the investigation.

Note: For purposes of this Order, an *involved supervisor* is defined as a supervisor who provided guidance or direction during the use of force, or participated in on-scene pre-planning or directing related to the incident.

- C. Authority to Approve Reports.** Non-Categorical use of force investigations and any related report(s) (i.e., the crime and/or arrest report or Form 15.7), shall be approved by an on-duty watch commander/officer in charge (OIC) or designee of supervisory rank. The supervisor who conducted the Non-Categorical use of force investigation shall not approve the Non-Categorical Use of Force Report (NCUOF Report) or the related report(s).

Note: The watch commander/OIC approving the use of force investigation is not required to be the same watch commander/OIC who reviewed and approved the related report(s). Generally, the involved Department employee's chain of command will conduct and approve the use of force investigation.

Example: Officers from Metropolitan Division (Metro) submit an arrest report to the watch commander, Area of occurrence, while the Metro supervisor assigned to investigate the related use of force submits the completed investigation to his/her Metro OIC.

- D. Watch Commander/Officer In Charge Insight.** A watch commander/OIC reviewing a Non-Categorical use of force investigation shall now document his/her insight on an IPR. As part of this evaluation, watch commander/OICs shall:

* Evaluate whether or not the amount of force used was reasonable and consistent with actions reported by the involved Department employee(s), ensuring that all relevant tactical, use of force, and policy issues are addressed. The watch commander/OIC shall evaluate the force that was

used, not the force options that could have been considered;

- * Ensure that all supervisors are interviewed regarding their conduct at the scene during the incident; and,
- * Evaluate the actions of each of these supervisors.

IV. FORMS. The following Department forms are affected by this Order:

A. Non-Categorical Use of Force Report, Form 1.67.05 - Revised. The Non-Categorical Use of Force Report, Form 1.67.05, has been revised.

1. **Use of Form.** This form is used to report both Level I and II Non-Categorical use of force incidents.
2. **Completion.** Completion of this form has changed, and the following sections are affected:

- * A check box is added to identify the incident as either a Level I or Level II incident;
- * A medical treatment section is added to document injuries to the subject of the use of force, any medical treatment provided, by whom, and the name of the medical provider (i.e., medical facility). Additionally, supervisors shall check the appropriate box to indicate whether the information they documented in this section was:

- Verified** or provided by medical personnel;
- Observed** and reported by (non-medical) witnesses and/or Department employees; or,
- Reported** by the subject of force.

Only one box shall be checked. If "Verified" injury/treatment information cannot be obtained, "Observed" information is the next most desirable option, followed by information that is "Reported" by the subject of the use of force.

Note: Verified medical information is always preferable. However, due to federal guidelines protecting patient medical treatment information, this may not be possible, particularly when the subject of the use of force refuses to sign a Medical Release Form (Refer to Section V for revised guidelines in obtaining medical information in such cases).

- * A section entitled, "Witnesses" is added to list all individuals, including non-involved Department employees and partner officers, who witnessed the use of force and/or any relevant actions that preceded or followed the incident (If more space is needed, list additional witnesses in the narrative under the heading, *Witness Statements*);
- * Checkboxes have been added to verify that the subject of the use of force and each witness was interviewed separately (group interviews of witnesses are prohibited). If the subject of the use of force or a witness was not interviewed separately, supervisors shall leave the box unchecked and include that individual on "PAGE 3" of the NCUOF Report under "Witnesses Not Interviewed Separately" along with an explanation;
- * The Investigating Supervisor block now contains boxes to be checked by the investigating supervisor to verify that he/she:
 - Reviewed all reports related to the use of force incident;
 - Was not involved in the use of force; and,
 - Interviewed all involved Department employees separately;
- * The Watch Commander/OIC signature block now includes a checkbox to verify that the watch commander/OIC has reviewed all documents and reports related to the use of force; and,

- * The Control of Suspect section (Page 2) has been revised to report the use of a secondary restraint device, and shall be used to list all such devices used other than Department approved handcuffs.

3. **Completion of "PAGE 3."** The NCUOF Report has been expanded and now includes a third page to document the following information:

- * **Area Canvassed for Witnesses and Evidence.**
Supervisors shall document their efforts to canvass the area and locate evidence and witnesses, to include the scope of the search and the results of such efforts. Additionally, if no witnesses can be identified or located, an explanation shall be provided in this section;

Example: "At approximately 0200 hours, I canvassed locations in the immediate vicinity of 1101 W. First Street where the incident occurred. Because the area is predominately commercial, all shops were closed for business due to the late hour, and I was unable to locate any witnesses."

- * **Witnesses Not Interviewed Separately.**
Supervisors shall list all witnesses who were not interviewed separately and explain why; and,

Example: "Robert Smith. Witness is a juvenile, and his parents were present during the interview."

- * **Incident Overview.** The Incident Overview shall now be documented on "PAGE 3" rather than the narrative (Level I incidents only). Supervisors shall, without offering opinions or conclusions, provide a brief summary of the incident and/or any relevant actions that preceded or followed the incident, to include

techniques and tactics used by the involved employee(s).

Note: Documenting an Incident Overview is not necessary for Level II incidents.

4. **Distribution.** Approved NCUOF Reports shall be forwarded via the chain of command to the Commanding Officer, TG, who is the final review authority for Non-Categorical use of force incidents. Upon final review, TG shall distribute copies of the NCUOF Report/investigation as follows:

- 1 - Original, Training Group
- 1 - Copy, employee's bureau commanding officer (for distribution to involved Area/division)

2 - TOTAL

- B. **Non-Categorical Use of Force Internal Process Report, Form 1.67.04 - Revised.** The Non-Categorical Use of Force Internal Process Report, Form 1.67.04, has been revised. A separate IPR shall be completed for each Department employee using force.

1. **Use of Form.** This form is used to record the findings and recommendations of the involved employee's chain of command and TG.

2. **Completion.** This form has been revised to reflect the following changes:

- * The IPR now includes a section for documenting a "Watch Commander/OIC's Insight";
- * A section has been added to document the types of force used by the employee named on the IPR;
- * A check box has been added to verify that a commanding officer reviewed the involved employee's use of force history;
- * The box indicating multiple use of force incidents has been removed. All force used during an incident involving the same subject

of the use of force shall be documented in one investigation;

- * A check box has been added to indicate if a commanding officer or acting commanding officer was not able to review the use of force investigation within the required time frame; and,

Note: Non-Categorical use of force investigations shall be reviewed by a commanding officer or acting commanding officer within 14 calendar days of occurrence. Investigations not reviewed within this time frame require a written explanation on the IPR under "Comments."

- * A signature block has been added for the Commanding Officer, TG.

3. **Distribution.** The IPR shall be attached and distributed with the NCUOF Report.

V. COMPLETING THE NARRATIVE - REVISED. In addition to completing Pages 1, 2, and 3 of the NCUOF Report, investigating supervisors shall prepare and attach a narrative using the revised guidelines outlined in this section. A checklist of headings required for Levels I and II are listed at the bottom of PAGE 3 and may be used as a reference.

A. Level I Incidents. Supervisors shall document a Non-Categorical use of force investigation using the following headings:

1. **WITNESS STATEMENT(S).** Supervisors shall interview the subject of the use of force, witnesses, and all Department employees who either witnessed and/or were involved in the incident.
 - a. **Tape-Recording Witness Statements.** Interviews with the subject of the use of force and all non-Department employee witnesses shall be tape-recorded. If tape-recording is impractical or a person refuses to be tape-

recorded, he/she shall be listed in this section along with an explanation as to why their interview was not tape-recorded and a brief written summary of his/her non-taped statement.

Example: "Janet Jones. This witness agreed to be interviewed on condition that she not be tape-recorded. Jones stated that she did not observe either of the responding officers strike the suspect."

Tape-recording interviews with Department employees is not required. The related crime and/or arrest report or Form 15.7 will serve as documentation of the involved Department employee(s) statement.

All tape recordings, including those from personal tape recorders, shall be booked at Scientific Investigation Division (SID) and have tape numbers issued. Tape numbers shall be documented in the NCUOF Report.

- b. Documentation of Statements.** The requirement for supervisors to prepare and attach full witness statements to the NCUOF Report has been eliminated. Moreover, a brief written summary of the statement provided by the subject of the use of force and/or any witness is only required under this heading **if**:

- * The interview was not tape-recorded (not applicable to Department employees); or,
- * The person's account of the use of force is in substantial conflict with the involved employee(s) account.

Example: "Gregory Jones. This witness stated that he saw a female officer strike the suspect with a closed fist. The involved officers stated that they did not strike the suspect at any time."

- c. **Consistent Statements.** Statements provided by witnessing Department employees that are consistent with events as depicted in the related report should be noted. Likewise, if statements provided by non-Department employee witnesses are consistent, this similarly shall be documented.

Example: "The statements provided by the following witnessing Department employees - Officers Nuno, Blake and Ramirez - were consistent with the incident as depicted in the arrest report."

2. **INJURIES/MEDICAL TREATMENT.** All individuals receiving medical treatment shall be asked to sign a Medical Release Form. If they refuse, the appropriate box shall be checked on the NCUOF Report. If an individual is **unable** to sign the Medical Release Form, supervisors shall explain why in this section (e.g., "Under the influence, psychological evaluation hold," etc.).
- a. **Medical Release Obtained.** If a signed Medical Release Form is obtained, the procedure for collecting the necessary injury and medical information remains unchanged. This includes attempting to collect and verify treatment information relevant to the use of force based on interviews with medical personnel.
- b. **Medical Release Not Obtained.** Federal law now limits access to an individual's medical history and treatment information. Therefore, if a signed Medical Release Form is not obtained, supervisors **shall not ask medical personnel** for injury and treatment information pertaining to an individual upon whom force was used. Rather, supervisors shall attempt to collect medical information based on personal observations and/or statements from the subject of the use of force, the involved employee(s), and non-medical witnesses. Supervisors shall only collect the medical

information necessary to complete the use of force investigation.

Supervisors shall document non-verified medical information on the face sheet of the NCUOF Report and check the appropriate box to indicate the source of the information (i.e., "Observed" or "Reported by Suspect.") Supervisors shall document their efforts to obtain medical information in this section.

Example: "The suspect declined to sign a Medical Release Form. However, Officer Jones stated that he heard the suspect advise Fire Department personnel that he believed his left arm was broken. According to Officer Jones, the suspect stated to him that he believed he may have injured his arm in an attempt to avoid handcuffing. I arrived at the hospital and observed the suspect with a cast on his left arm." (In this case, supervisors would list "Possible Broken Arm" on the NCUOF Report face sheet and check off "Observed.")

Generally, it is permissible for Department employees to obtain medical information they may overhear or observe, as a bystander, if there is a legitimate law enforcement reason for their presence at the location (e.g., if a suspect in custody requires medical treatment, an officer may reasonably accompany him/her during treatment). In such cases, information overheard from a treating physician shall be reported as "Verified," and an explanation as to how the information was collected shall be provided.

Regardless of whether a signed Medical Release is obtained, supervisors shall ask the subject of the use of force if and how he/she was injured and document the response in this section. Any documentation of medical treatment obtained by Department employees shall be listed under "Addenda" and attached to the NCUOF Report.

Note: Due to potential criminal and civil liability issues, Department employees shall not accept any medical documentation regarding the subject of the use of force unless a signed Medical Release Form is obtained.

3. **PHOTOGRAPHS AND OTHER EVIDENCE.** Photographs should be taken and included in all Non-Categorical use of force investigations. If a photograph is impractical (e.g., the subject of the use of force refuses to be photographed, etc.), an explanation shall be documented in this section. Otherwise, the following photographs shall be taken:

- * Visible injuries - or lack thereof - to the subject of the use of force in the complained of area. When it is necessary to photograph the breasts, buttocks, or genitalia, SID shall take the photographs;
- * Visible injuries - or lack thereof - incurred by the involved Department employee(s) if relevant to the use of force, or when a criminal filing for a crime against a peace officer (e.g., 148 or 243 PC, etc.,) will be sought;

Example: Taking photographs of an officer's hand when the complainant claims he was punched by the officer numerous times to document the absence or presence of redness or swelling to the hand.

- * The scene of the incident and evidence collected if it is relevant to the use of force and/or sustained injuries (or lack thereof); and,
- * The vantage point of a witness when it may prove useful in resolving conflicting statements between witnesses as it relates to the use of force.

Note: Photographs taken with a digital camera by Department employees will suffice for recording Level II investigations. Photographs taken by SID are preferred for Level I investigations.

All photographs, including those taken by SID, shall be printed and attached, and listed individually under the heading, "Addenda." A brief description of each photograph shall be included in this section. Photographs taken by SID shall reference the appropriate "C" number obtained from SID. Computer disks (of photographs) shall be placed in an envelope and the envelope marked with the corresponding Addendum number. All SID photographs shall be attached to the NCUOF Report prior to the watch commander/OIC approving the report.

4. **INVESTIGATING SUPERVISOR'S NOTES.** Supervisors shall use this heading to address substantial conflicts and/or discrepancies between statements provided by a witness or the subject of the use of force and statements provided by involved Department employees. To assist in the evaluation of these differences, supervisors shall attempt to establish each witness's vantage point when they observed the use of force, as well as any other variables such as time of day, lighting, weather conditions, noise level, or traffic patterns.
 - a. **Requirements for Witnessing Investigating Supervisor.** Investigating supervisors who witnessed the incident shall summarize their observations in this section and list themselves as a witness under "Witnesses/Non-Involved Employee Witnesses" on the NCUOF Report.
 - b. **Verbal Warning Requirements.** Per Human Resources Bureau Notice dated September 28, 2001, "Verbal Warning Requirement For a Use of Force - Revised," Department employees are, in certain circumstances, required to provide a

verbal warning prior to the use of less-lethal force. This section shall be used to document the name of the employee giving the warning and what was said. Likewise, in cases where a warning was required but not given, supervisors shall provide an explanation here. If no warning was required, no documentation is necessary.

Any other information relevant to the investigation that does not fall under the previous headings may be documented in this section.

5. **ADDENDA**. Supervisors shall numerically list all addenda items (attachments) to the NCUOF Report (e.g., 1. Arrest Report 2. Vehicle Impound Report 3. Authorization for Release of Medical Information, etc.) and include a brief description of each item. The number that corresponds to the listed item shall be written in red pen or pencil on the lower right corner of each attached document.

B. Level II Incidents. The process for documenting/reporting Level II incidents shall mirror that of a Level I incident, with the following exceptions:

- * Tape-recording non-Department employee witnesses is optional;
- * The requirement for an "Incident Overview" is eliminated; and,
- * The requirement to document *any* witness statements in the narrative of the NCUOF Report is eliminated. The related crime and/or arrest report or Form 15.7 will serve as documentation of statements for the subject of the use of force, witnesses, and involved Department employees. Any discrepancies between statements shall still be addressed in "Investigating Supervisor's Notes."

Note: Discrepancies that constitute a substantial conflict between witness or suspect accounts and

the involved employee(s) account shall be reported as a Level I incident.

VI. OFFICER'S RESPONSIBILITY. Department employees involved in a use of force are required to thoroughly document their investigation, including the facts surrounding the use of force, in the crime and/or arrest report or Form 15.7. Employees shall document the name of the investigating supervisor in their related report under the heading, "Additional."

VII. SUPERVISOR'S RESPONSIBILITY. The investigating supervisor shall review the related report(s) after it has been approved by the watch commander/OIC but prior to completing the use of force investigation, to ensure that the incident as depicted in the related report(s) is consistent with the use of force investigation. A Follow-up Investigation, Form 3.14, may be used to make any necessary corrections to the related report or to provide additional information.

AMENDMENTS: This Order amends Sections 2/245.10, 3/796.5, 4/245.05, 5/1.67.04, and 5/1.67.05 of the Department Manual.

FORM AVAILABILITY: Copies of the revised Non-Categorical Use of Force Report, Form 1.67.05, and the revised Non-Categorical Use of Force Internal Process Report, Form 1.67.04, are attached for duplication and immediate use. The existing forms will be updated on the Local Area Network (LAN) and all forms will be available for ordering from the Department of General Services, Distribution Center, in about 90 days.

AUDIT RESPONSIBILITY: The Office of Human Resources shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachments

DISTRIBUTION "D"