

## 21-005 - Non-Categorized Force Incident

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### Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE

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### NON-CATEGORIZED FORCE INCIDENT

#### **PURPOSE**

The purpose of this directive is to establish procedures for a low level use of force incidents where there is a no injury or complaint of pain from the suspect. These type of incidents will be referred to hereafter as Non-Categorized Incidents (NCI).

#### **OVERVIEW**

An NCI is any of the following uses of force when there is NO injury or complaint of pain once the force has concluded and there are no allegations of excessive force or other misconduct:

- Resisted hobble application;
- Resisted searching and handcuffing techniques; and
- Resisted firm grip, control holds, come-alongs, or control techniques.

Examples include, but are not limited to: using control techniques on a passive resistive individual, using control techniques on an advancing/hostile individual to create a safe distance, or using control holds on an individual who grabs a fixed object in an effort to avoid handcuffing.

#### **PROCEDURES**

##### **Involved Personnel's Responsibilities:**

- Follow current established Use of Force reporting procedures for notifications (MPP 3-10/100.00);
- At the handling sergeant's direction, one of the involved personnel shall write a Complaint Report (SH-R-49), documenting the incident, specifically identifying the suspect's actions and the actions (if observed) of all involved personnel. The report shall capture the use of force action of the involved personnel; and
- The other involved or witnessing personnel shall memorialize the incident via supplemental report, unless otherwise directed by the watch commander.

##### **Handling Sergeant's Responsibilities:**

- Personally verify the suspect is not injured and has no complaint of pain;

- Conduct an inquiry into the incident (speak to involved sworn personnel, non-sworn witnesses, and non-employee witnesses);
- Review and secure recorded footage of the incident (if available);
- Notify the watch commander of the incident and obtain his/her approval to handle as an NCI;
- Identify and direct an involved deputy to write a Complaint Report (SH-R-49), and direct all other involved or witnessing personnel to write a supplemental report unless otherwise directed by the watch commander;
- Record suspect, non-sworn witness, and civilian witness interviews and retain;
- Complete the NCI report and note whether all personnel made efforts to de-escalate the force, and whether they did or did not timely report the force they used or witnessed; and
- Statistical Code 506 will be used for all NCI incidents. NCI's requiring a criminal report will include the criminal statistical code and 506 as a supplemental code.

The sergeant handling the incident shall upload the completed NCI report, complaint report (if applicable), supplemental reports, and all video documentation to the station NCI share file. The hard copy of the NCI package shall be submitted to operations for review.

Sergeants who witness, plan, or direct the NCI can conduct the inquiry and complete the NCI form. Sergeants who used force during the NCI shall not conduct the inquiry and shall not complete the NCI form.

See Supervisor's Non-Categorized Incident User's Guide for further information on how to properly complete the form.

**Watch Commander's Responsibilities:**

- Determine if the incident qualifies as an NCI;
- Interview the suspect using the same protocol as described in MPP 3-10/111.00 - Use of Force Review-Watch Commander/Supervising Lieutenant Responsibilities, Interviewing Suspects;
- The watch commander shall immediately review the completed suspect interview video to ensure that:
  - The video recorder captured the interview;
  - The suspect's responses can be clearly heard;
  - The suspect does not appear to have any visible signs of injury; and
  - There are no other risk management issues.
- In the event the suspect refuses to answer any questions regarding injuries, attempt to gain cooperation from him/her to video tape their head, upper torso, lower torso, extremities, and back to verify no visible injury exists;
- Approve the incident as an NCI and allow the sergeant to proceed with the NCI process;
- If the watch commander, for any reason, believes the incident may pose any risk management issues related to the use of force, there is an allegation of force which was not reported, or the video indicates the level of force used does not qualify as an NCI, the incident should be investigated as a categorized incident using the appropriate Supervisor's Use of Force Investigation (SH-438) documentation; and
- If the watch commander, for and reason, believes there is evidence of misconduct, delayed or unreported force, and /or the video or witness accounts significantly differ from personnel's verbal or written account of the incident, the incident shall be referred to the unit commander for a determination of

whether an administrative investigation or other action should be taken.

*In the event the subject complains of pain or has a visible injury at a later date, the NCI may be upgraded to a Categorized Use of Force. The appropriate Supervisor's Use of Force Investigation (SH-438) documentation shall be completed. All previously obtained NCI documentation and video recordings shall be included with the categorized force investigation.*

**Unit Commander Responsibilities:**

The unit commander shall be responsible for creating and maintaining a computerized shared folder for string and tracking all documentation/videos related to an NCI. The computerized shared folder should be organized by calendar month per year to allow for retrieval in the event the NCI becomes a categorized use of force. All NCI force packages shall be sent to the Discovery Unit for processing.

**REFERENCES**

MPP 3-10/038.00 REPORTABLE USE OF FORCE AND FORCE CATEGORIES

MPP 3-10/110.00 USE OF FORCE REVIEW PROCEDURES

MPP 3-10/111.00 USE OF FORCE REVIEW-WATCH COMMANDER/SUPERVISING

LIEUTENANT RESPONSIBILITIES, INTERVIEWING SUSPECTS

**FORMS**

[SUPERVISOR'S NON-CATEGORIZED FORCE INCIDENT REPORT-PATROL \(SH-R-438NCFI\)](#)

[SUPERVISOR'S NON-CATEGORIZED FORCE INCIDENT USER'S GUIDE FOR PATROL](#)

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