3-10/111.00 - Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities

Interviewing Subjects

The watch commander or supervising lieutenant shall, with extreme priority, personally examine any subject upon whom force has been used and, except in Pointed Firearm at Person (PFP) Incidents or Category 3 Force incidents, interview the subject regarding the incident.

Except in the most compelling of circumstances, personnel involved in the use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports.

When interviewing subjects regarding use of force incidents, the watch commander or supervising lieutenant shall ask the subject if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the subject has any apparent injuries (refer to section 3-10/110.00, Use of Force Review - Sergeant Responsibilities). If the subject is taken to a medical facility for examination or treatment, the watch commander or supervising lieutenant shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the force reported.

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

When a subject must be transported from the field directly to County-USC Medical Center (LAC+USC), Inmate Reception Center (IRC), Century Regional Detention Facility (CRDF), or Twin Towers for booking, the watch commander or supervising lieutenant shall arrange to interview the subject at the booking site.

Completion of Investigations

After interviewing a subject in incidents involving directed force, the watch commander or supervising lieutenant shall determine who should complete the initial investigation. When a unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation.

If a non-involved supervisor is not available, the watch commander or supervising lieutenant shall complete the initial investigation. The involved supervisor shall never complete the initial investigation.

The watch commander or supervising lieutenant shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of receiving the PFP report, or as soon as possible thereafter.

Except in the case of an Internal Affairs Bureau (IAB) Force/Shooting Response Team rollout, in situations involving very large numbers of potential witnesses, the watch commander or supervising lieutenant shall determine the appropriate scope of the witness canvass that would be necessary to sufficiently document the force incident.

In cases where a supervisor has reviewed video of an incident and determined that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the watch commander or supervising lieutenant shall determine the nature and seriousness of the matter. The watch commander or supervising lieutenant shall contact the unit commander, who shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or the Internal Criminal Investigations Bureau (ICIB). If an administrative or criminal investigation is initiated, the force investigation will be conducted as part of that investigation. If it is determined that an administrative or criminal investigation is not warranted, then the force investigation shall be completed by the watch commander or supervising lieutenant. If an involved Department member is not allowed to view video of an incident due to possible misconduct, the watch commander or supervising lieutenant shall notify the Department member they may be subject to an investigation.

With respect to any Pointed Firearm at Person (PFP) Incident:

- The watch commander or supervising lieutenant will review all relevant video footage of the incident as part of their review.

- The watch commander or supervising lieutenant shall contact the unit commander if they believe there is apparent misconduct or a policy violation. The unit commander shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or the Internal Criminal Investigations Bureau (ICIB).

- The watch commander or supervising lieutenant shall also note any tactical or safety issues and refer the Department member for additional training if needed.

- The watch commander or supervising lieutenant will address any concerns with the PFP report and associated narrative and return it to the involved Department member through the chain of command if necessary. Any revisions or additional review shall be completed within five days after the return to the involved Department member.

Force Packages: Watch Commander Responsibilities

The watch commander or supervising lieutenant shall prepare and submit a force package to the unit commander for all reviews of force not conducted by an IAB Force/ Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed. The watch commander or supervising lieutenant is responsible for detailing the results of their review and recommendation as to whether further action or investigation is warranted in the appropriate section of the “Supervisor’s Report, Use of Force” or “Non-Categorized Force Incident (NCFI) Report”. The watch commander or supervising lieutenant is to consider the factors listed in MPP 3-10/020.00 when determining if the force was objectively reasonable, proportional, and reasonably appeared to be necessary.

The force package (excluding NCFI packages) shall include the following items:

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

Requesting an Internal Affairs Bureau Force/Shooting Response Team

The watch commander or supervising lieutenant is responsible for making an immediate verbal notification to the onâ€‘call Internal Affairs Bureau (IAB) lieutenant in any of the following situations:

- All incidents in which Department members are shot;
- All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;
- Hospitalizations due to injuries caused by any Department member;
- Skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- All large party situations where Category 2 or 3 Force is used;
- Injury or complaint of injury to a person's face, head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to oleoresin capsicum spray, Freeze+P or deep freeze aerosols, or PepperBall projectile powder);

- All strikes to the face, head or neck with an impact weapon or other object;
- All strikes to the face, head or neck with hands or fists;
- Kick(s) to a subject's face, head, or neck;
- Knee strike(s) to a subject's face, head, or neck;
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g., roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- Canine bites resulting in medical treatment;
- The use of improvised weapons or techniques;
- Any death following a contact with any Department member;
- All inmate deaths;
- Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with department personnel; or
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The IAB lieutenant shall determine whether the response of an IAB Force/Shooting Response Team is appropriate. If a response team is to be sent, the IAB lieutenant shall direct the watch commander or supervising lieutenant as to whether to conduct a subject interview.

The watch commander shall respond to the location when an employee discharges a firearm, whether intentional or unintentional. The involved employee's unit commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The involved employee's division commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's division chief or division director.

In any situation in which an IAB Force/Shooting Response Team responds to conduct a force review, the watch commander or supervising lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the watch commander, supervising lieutenant, nor the sergeant shall conduct a subject interview unless directed to do so by the IAB lieutenant. A unit-level force package shall not be submitted on any force incident which is documented by IAB Force/Shooting Response Team personnel who have responded to the scene.

NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as

the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.