26-02 - Witnessing or Interceding with Unreasonable and Excessive Force by an Outside Agency

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

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WITNESSING OR INTERCEDING WITH UNREASONABLE AND EXCESSIVE FORCE BY AN OUTSIDE AGENCY

OVERVIEW

This newsletter provides informational guidance about notification and documentation procedures for purposes of reporting force by an outside agency consistent with existing Department policy.

As provided in existing Department policy, the Los Angeles County Sheriff's Department is committed to preserving human life and dignity in a fair and unbiased manner while upholding the rights protected by the Constitution of the United States, and federal and state law. Department members have a responsibility to protect people's rights and to always act with honesty and professionalism. This responsibility applies not only to our own actions, but also to what we see other law enforcement officers do.

Everyone has the right to be treated fairly and safely. When Department members report excessive force, they help make sure those rights are respected, no matter which agency is involved. Reporting misconduct helps prevent the Sheriff's Department from being connected to actions that may violate policy or law.

The Department's Manual of Policy and Procedures (MPP) section 3-10/100.00 (Use of Force Reporting - Department Member Responsibilities), provides:

"Members witnessing reportable force used by employees of another law enforcement agency shall, as soon as safely possible, advise their immediate supervisor and document their presence on their patrol log."

DUTY TO REPORT

As stated in existing Department policy, any Department member who is present and sees a law enforcement officer from another law enforcement agency use force that they believe to be beyond that which reasonably appears necessary, shall, as soon as safely possible, notify their immediate supervisor and document their presence on their patrol log.

DUTY TO INTERCEDE

Similarly, there is also a duty to intercede. Specifically, MPP section 3-10/030.00 provides:

Any Department member witnessing unreasonable force that is clearly beyond that which reasonably appears necessary (as determined by an objectively reasonable deputy under the circumstances) shall intercede to prevent or stop the unreasonable force when safely able to do so.

This duty applies to witnessing unreasonable force by law enforcement officers from outside agencies.

As provided in MPP 3-10/030.00, depending on the circumstances, "interceding" includes, but is not limited to:

- Physically stopping the unreasonable use of force.
- Confronting the offending law enforcement officer from another law enforcement agency while the unreasonable force is happening.
- Efforts to de-escalate the unreasonable use of force.
- Using communication techniques to calm and promote rational decision-making by the law enforcement officer from another law enforcement agency and the subject.
- Using a radio to summon an immediate response from a supervisor; and/or if reasonably safe and feasible and practical, taking a position to capture footage of the incident on a body worn camera.

NOTIFICATION AND DOCUMENTATION

Once a supervisor receives information from a Department member about the use of unreasonable force by a law enforcement officer from an outside agency, the supervisor should consider the following best practices for notification and documentation of the incident:

- Obtain a Correspondence Memo (SH-AD-32A) from the witnessing Department member.
- Review the Correspondence Memo for providing: the complete incident number generated by the patrol log; any available Body-Worn Camera footage; the identity of any witnesses (to the extent feasible); the scene details and the actions of the law enforcement officer from the outside agency; and any other relevant information.
- Approve the memo and forward it to the Watch Commander so an entry may be made in the Watch Commander's Log detailing the incident.

No further force investigation by a supervisor is required.

The Watch Commander or Lieutenant should forward the memo to the Unit Commander before the incident is reported to the outside law enforcement agency. After reviewing and once satisfied with the contents of the

Correspondence Memo, the Unit Commander should make notification to an official at the outside law enforcement agency who is of an equivalent rank or higher rank to the Unit Commander.

The Unit Commander should prepare a Chief's Memo to their respective Division Chief documenting the incident and describing the contact with the person of equivalent or higher rank at the outside law enforcement agency. The Unit Commander should include a copy of the Correspondence Memo.

The respective Division is responsible for maintaining and tracking all documentation.

REFERENCES

3-10/030.00 - Unreasonable Force and Duty to Report and Intercede

3-10/038.00 - Reportable Use of Force and Force Categories

3-10/100.00 - Use of Force Reporting - Department Member Responsibilities