

LOS ANGELES POLICE DEPARTMENT

2010 USE OF FORCE ANNUAL REPORT





PURPOSE OF THIS REPORT

The purpose of this report is to provide a statistical analysis of the lethal, less-lethal and non-lethal force used by LAPD officers; provide an overview of the adjudication processes involved in use of force incidents; and enhance transparency between the Department and its stakeholders within the City of Los Angeles.

MISSION STATEMENT

It is the mission of the Los Angeles Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence.

CORE VALUE

The six Core Values of the Los Angeles Police Department are intended to guide and inspire us. Making sure that our values become part of our day-to-day work life is our mandate, and they help to ensure that our personal and professional behavior can be a model for all to follow.

- Service to Our Communities
- Reverence for the Law
- Commitment to Leadership
- Integrity in All We Say and Do
- Respect for People
- Quality Through Continuous Improvement

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ACRONYMS

AD	Administrative Disapproval
BJS	Bureau of Justice Statistics
BOPC	Los Angeles Board of Police Commissioners
COP	Chief of Police
COS	Chief of Staff
CRCH	Carotid Restraint Control Hold
CUOF	Categorical Use of Force Incident
D/E	Drawing or Exhibiting
FID	Force Investigation Division
GED	Gang Enforcement Detail
GIT	Gang Impact Team
GTU	General Training Update
HS	Head Strike
ICD	In-Custody Death
ITD	Information Technology Division
LAPD	Los Angeles Police Department
LERI	Law Enforcement Related Injury
MEU	Mental Evaluation Unit
NCUOF	Non-Categorical Use of Force Incident
OCB	Operations Central Bureau
OIS	Officer Involved Shooting
OAS	Office of Administrative Services
OSB	Operations South Bureau
OVB	Operations Valley Bureau
OWB	Operations West Bureau
PO	Police Officer
SOB	Special Operations Bureau
TEAMS II	Training Evaluation and Management System II
UD	Unintentional Discharge
UOF	Use of Force
UOFRB	Use of Force Review Board
UOFRD	Use of Force Review Division

USE OF FORCE POLICY (2010 LAPD Manual 1/556)

PREAMBLE TO USE OF FORCE. *The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and, therefore, must be ever mindful that they are not only the guardians, but also the servants of the public.*

The Department's guiding value when using force shall be reverence for human life. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.

Objectively Reasonable. *The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. See Graham v. Connor, 490 U.S. 386 (1989). Graham states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.*

Factors Used to Determine Reasonableness. *The Department examines reasonableness using Graham and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include but are not limited to: The seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; whether the subject was posing an immediate threat to officers or a danger to the community; the potential for injury to citizens, officers or subjects; the risk or apparent attempt by the subject to escape; the conduct of the subject being confronted (as reasonably perceived by the officer at the time); the time available to an officer to make a decision; the availability of other resources; the training and experience of the officer; the proximity or access of weapons to the subject; officer versus subject factors such as age, size, relative*

strength, skill level, injury/exhaustion and number officers versus subjects; and, the environmental factors and/or other exigent circumstances.

Serious Bodily Injury. California Penal Code Section 243(f)(4) defines Serious Bodily Injury as including but not limited to: Loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

Warning Shots. The intentional discharge of a firearm off target, not intended to hit a person, to warn others that deadly force is imminent.

Use of Force – General. It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to: Defend themselves; defend others; effect an arrest or detention; prevent escape; or overcome resistance.

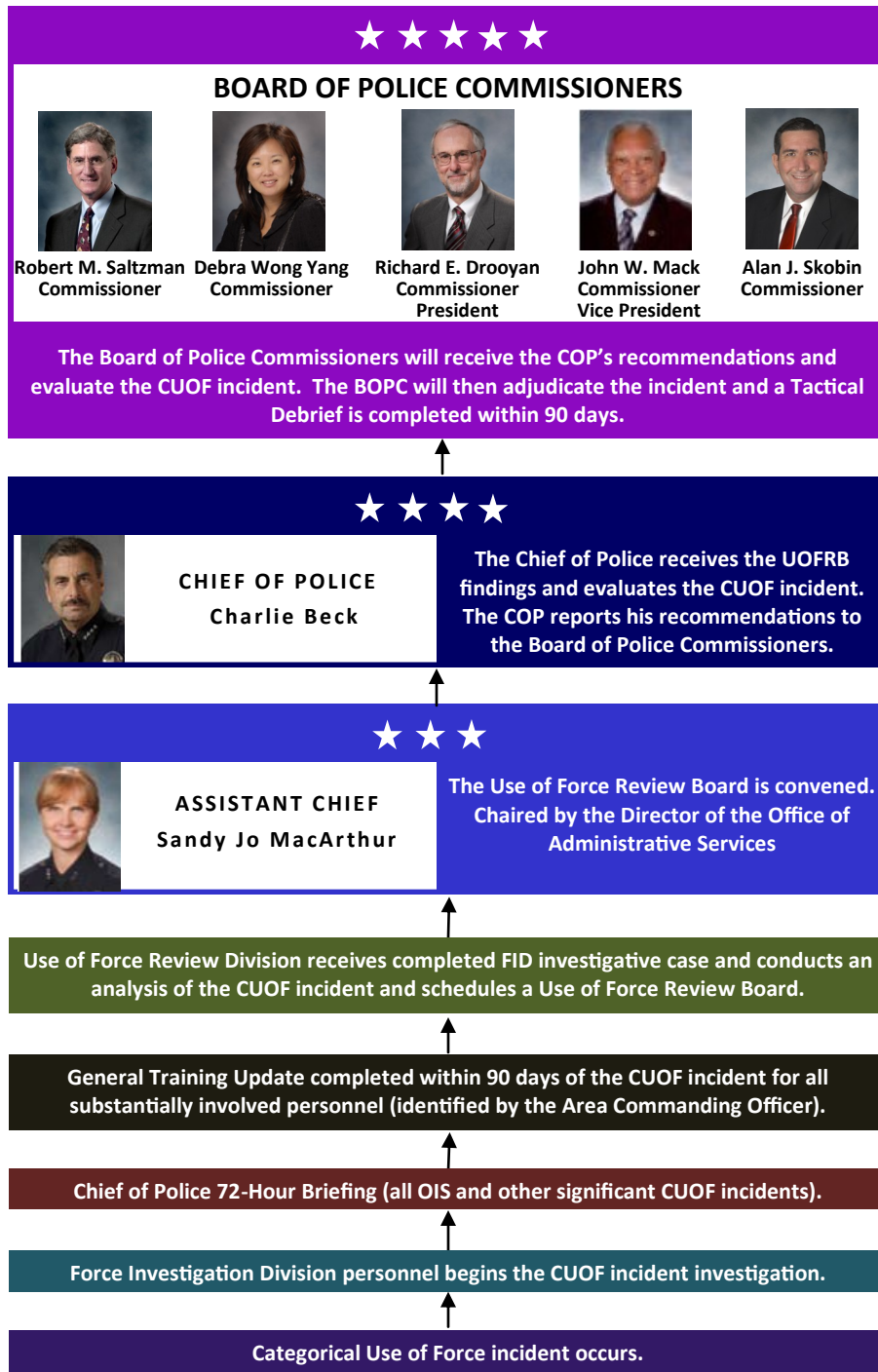
Deadly Force. Law enforcement officers are authorized to use deadly force to: Protect themselves or others from what is reasonably believed to be in **imminent** threat of death or serious bodily injury; or, Prevent a crime where the suspect’s actions place person(s) in **imminent** jeopardy of death or serious bodily injury; or, Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

Warning Shots. Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers, and property damage.

Shooting At or From Moving Vehicles. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer’s use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life. **Note:** It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. The involved officer must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer’s life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

DRAWING OR EXHIBITING FIREARMS. *Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms. **Note:** During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a valid interpretation of this Section: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm."* (2010 LAPD Manual 1/556)

CATEGORICAL USE OF FORCE ADJUDICATION PROCEDURE



CATEGORICAL USE OF FORCE REVIEW BOARD PROCESS

After UOFRD reviews the CUOF incident, the Use of Force Review Board is convened. The UOFRB consists of a representative from the following: Office of Administrative Services (Chair), Office of Operations, Personnel and Training Bureau, Geographic Bureau, and a Peer (similar rank of the substantially involved personnel). The Office of the Inspector General is present at the Board in an oversight capacity.

The UOFRB process:

- Force Investigation Division provides a detailed presentation of the CUOF incident
- The Commanding Officer of the substantially involved personnel provides his/her assessment of the CUOF incident and submits recommended findings to the UOFRB
- The UOFRB evaluates the CUOF incident and forwards their recommendations to the Chief of Police

CATEGORICAL USE OF FORCE ADJUDICATION POLICY

Tactics, drawing and exhibiting a firearm, and use of force shall be evaluated during the CUOF adjudication process. The Use of Force Review Board (UOFRB) shall convene and evaluate the CUOF incident. The Use of Force Review Board shall make recommendations to the COP. The Chief of Police shall evaluate the CUOF incident and report his/her recommendations to the Board of Police Commissioners (BOPC). The Board of Police Commissioners will evaluate the CUOF incident and make findings consistent with the following:

Area	Findings	Outcome
Tactics	Tactical Debrief	Tactical Debrief
	Administrative Disapproval	Tactical Debrief plus (one or more): <ul style="list-style-type: none">•Extensive Retraining•Notice to Correct•Personnel Complaint
D/E	In Policy – No Further Action	Tactical Debrief
	Administrative Disapproval - Out of Policy	Tactical Debrief plus (one or more): <ul style="list-style-type: none">•Extensive Retraining•Notice to Correct•Personnel Complaint
UOF	In Policy – No Further Action	Tactical Debrief
	Administrative Disapproval - Out of Policy	Tactical Debrief plus (one or more): <ul style="list-style-type: none">•Extensive Retraining•Notice to Correct•Personnel Complaint

During the adjudication process, the UOFRB, COP, and BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Use of Force Review Division (UOFRD) shall compile the list of issues to be debriefed and provide it to the CUOF Debrief Facilitator.

*The CUOF Debrief Facilitator shall conduct the Tactical Debrief with the personnel involved in the CUOF incident. The CUOF Debrief Facilitator shall be responsible for presenting the fact pattern of the case and leading a facilitated discussion on the training, tactics, force, and leadership issues applicable to the incident. The CUOF Debrief Facilitator will present those tactical practices identified by the adjudication process as “strengths” and “lessons learned” so that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall provide training in the areas of drawing and exhibiting a firearm and use of force. **Note:** The Commanding Officer, UOFRD, shall coordinate the Tactical Debrief Facilitation process.*

*The Tactical Debrief analysis will be summarized on an Intradepartmental Correspondence, Form 15.02.00, and forwarded within 21 days to UOFRD, Training Division, and Force Investigation Division to collect and analyze the results to further enhance adjudication, training, and critical incident investigations. **Note:** The intent of the Tactical Debrief analysis is to review and analyze Department-wide training, practices, policies and procedures. The Tactical Debrief analysis shall not focus on or document findings, recommendations, or analysis of individual employees or the incident. (2010 LAPD Manual 3/792.10, 3/792.15)*

NON-CATEGORICAL USE OF FORCE INCIDENT ADJUDICATION PROCEDURE

COMMANDING OFFICER'S RESPONSIBILITY. Upon receipt of a Non-Categorical use of force investigation, the commanding officer shall: Utilize the Area/Division Training Coordinator to evaluate the incident; contact subject matter experts (e.g., Training Division) to obtain additional information, as needed; review all reports and make a recommendation on the disposition; sign the Use of Force Internal Process Report, Form 01.67.04; and notify the employee of Use of Force Review Division's final disposition as soon as practicable.

Non-Categorical Use of Force investigations shall be reviewed by Area/division commanding officers or the acting commanding officer within 14 calendar days of the incident. Investigations not reviewed within the 14-day time frame require a written explanation on the Non-Categorical Use of Force Internal Process Report (IPR). Upon Area/Division commanding officer approval, the IPR shall be forwarded to the bureau immediately.

BUREAU COMMANDING OFFICER'S RESPONSIBILITY. Upon receipt of a Non-Categorical Use of Force investigation, the bureau commanding officer shall: Cross-staff with Internal Affairs Group (IAG) to determine if a related complaint investigation has been initiated regarding the use of force incident and, if so, take that information into consideration; review all reports and make a recommendation on the disposition; sign the IPR; forward the IPR, with all related reports attached, to the Commanding Officer, Use of Force Review Division, within seven calendar days of receipt; and upon receipt of the disposition from Use of Force Review Division, notify the employee's commanding officer of that disposition.

COMMANDING OFFICER, USE OF FORCE REVIEW DIVISION, RESPONSIBILITY. The Office of Administrative Services, is the Department's review authority for the administrative review of all use of force incidents. For Non-Categorical Uses of Force, that authority is generally exercised through the Commanding Officer, Use of Force Review Division, who shall: Review the Non-Categorical Use of Force investigation and all related reports to ensure compliance with Department policy and procedure; approve or disapprove the recommended disposition and provide a written rationale for any finding that differs from that of the bureau commanding officer; retain the original Non-Categorical Use of Force Internal Process Report and copies of all related reports; and forward a copy of the completed Internal Process Report to the bureau commanding officer. If the Commanding Officer, Use of Force Review Division, requires further information prior to adjudication, such a request shall be submitted to the employee's bureau commanding officer. (2010 LAPD Manual 3/793.05-3/793.15)

NON-CATEGORICAL USE OF FORCE REPORTING LEVELS

All Non-Categorical Use of Force incidents shall be initially classified by the investigating supervisor as either a Level I or Level II incident.

Level I Incident. *A NCUOF shall be reported as a Level I incident under the following circumstances: An allegation of unauthorized force is made regarding the force used by a Department employee(s); or 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 CUOF incident;*

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 CUOF and will be investigated by Force Investigation Division.*

or, 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 accounts of the incident provided by witnesses and/or the subject of the use of force substantially conflict with the involved employee(s) account.

Level II Incident. *All other reportable NCUOF 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 (Refer to Manual Section 4/245.13 for Level II reporting guidelines).*

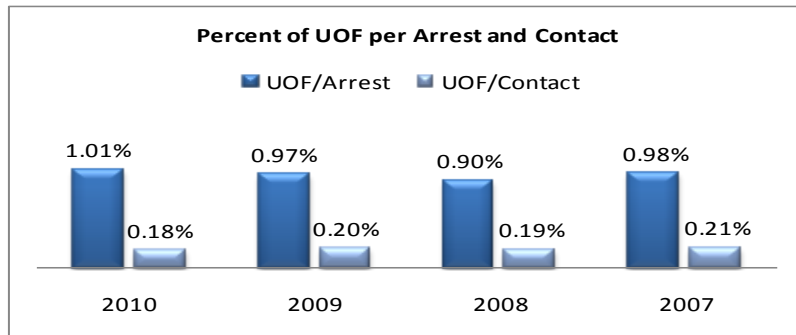
Note: *If the use of an impact device or less-lethal munitions causes a serious injury such as a broken bone, dislocation, or an injury requiring sutures, etc., and does not rise to the level of a CUOF, it shall be reported as a Level I incident. Department employees are reminded that any person struck with a baton shall be transported to a Department approved medical facility for medical treatment prior to booking. (2010 LAPD Manual 3/245.11)*

2010 USE OF FORCE INCIDENT STATISTICS

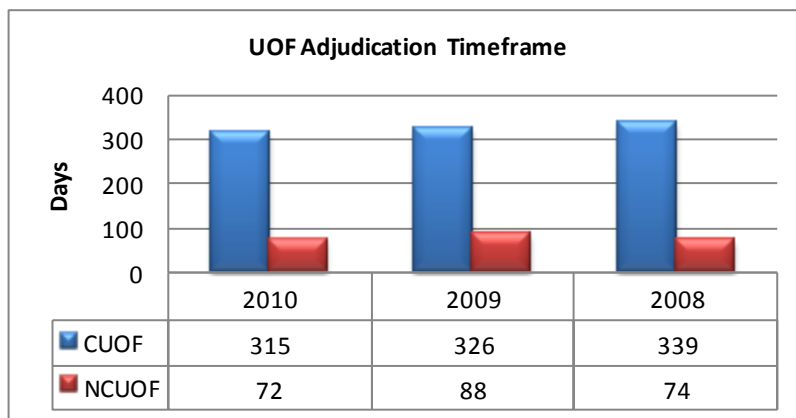
In 2010, there were a total of 1661 reportable use of force incidents which reflects a six percent decrease from 2009.

UOF	2010	2009	2008	2007
Categorical	86	86	104	106
NCUOF	1575	1676	1557	1699
TOTAL	1661	1762	1661	1805

The percentage of a use of force incident increased (0.04 percent) slightly from 0.97 percent per 100 arrests to 1.01 percent in 2010, but the use of force per contact decreased by 0.02 percent.

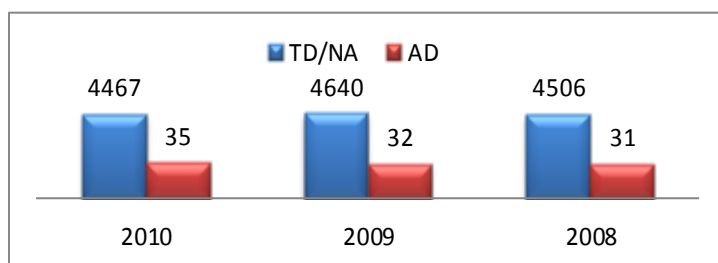


Reportable uses of force are adjudicated within one year of occurrence, unless tolled. In 2010, one CUOF incident was tolled and on average, CUOF incidents were adjudicated in 315 days. NCUOF incidents were adjudicated on average in 72 days.



TACTICS FINDING

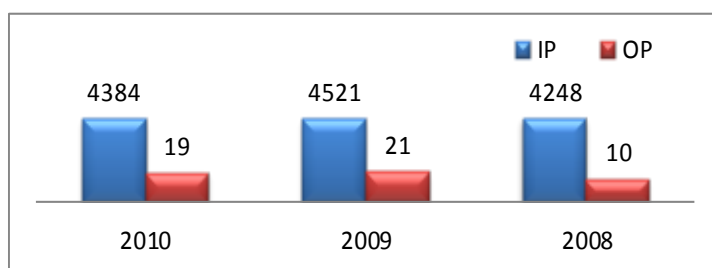
In 2010, there were 4502 (4467 TD/NA, 35 AD) substantially involved personnel who received a tactics finding. Over 99 percent of all officers were found to be consistent with Department training.



TACTICS	TD/NA		AD	
2010	4467	99.22%	35	0.78%
2009	4640	99.32%	32	0.68%
2008	4506	99.32%	31	0.68%

USE OF FORCE FINDING

In 2010, there were a total of 4403 (4384 IP, 19 OP) substantially involved personnel who received a UOF finding. Over 99 percent of all officers were found to be within policy.

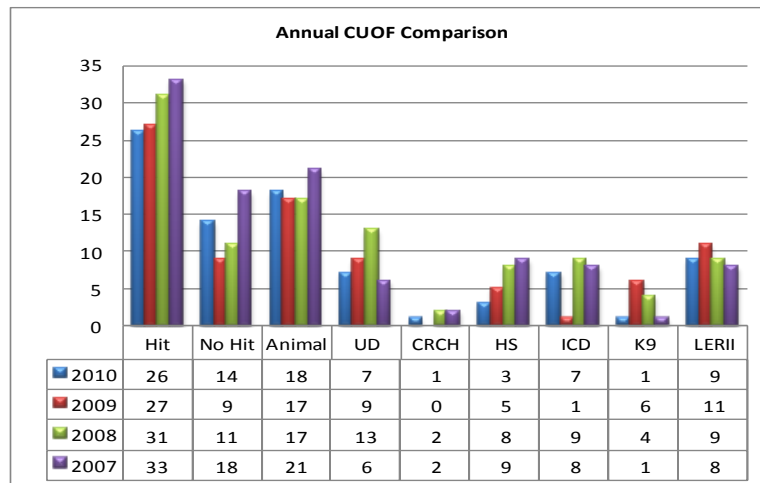


UOF	IP		OP	
2010	4384	99.57%	19	0.43%
2009	4521	99.54%	21	0.46%
2008	4248	99.77%	10	0.23%

**CATEGORICAL USE OF FORCE
INCIDENTS 2010 STATISTICS**

CATEGORICAL USE OF FORCE INCIDENTS COMPARISON

Categorical Use of Force	2010	07-09 Avg
Hits	26	30
No Hits	14	13
Animal Shootings	18	18
Unintentional Discharges (UD)	7	9
Total Officer Involved Shootings	65	70
Law Enforcement Related Injuries (LERI)	9	9
In-Custody Deaths (ICD)	7	6
Carotid Restraint Control Holds (CRCH)	1	2
Head Strikes (HS)	3	7
K9 Contacts	1	4
Total Others	21	28
TOTAL CUOF INCIDENTS	86	98



TOTALS	2010	2009	2008	2007
CUOF	86	85	104	106

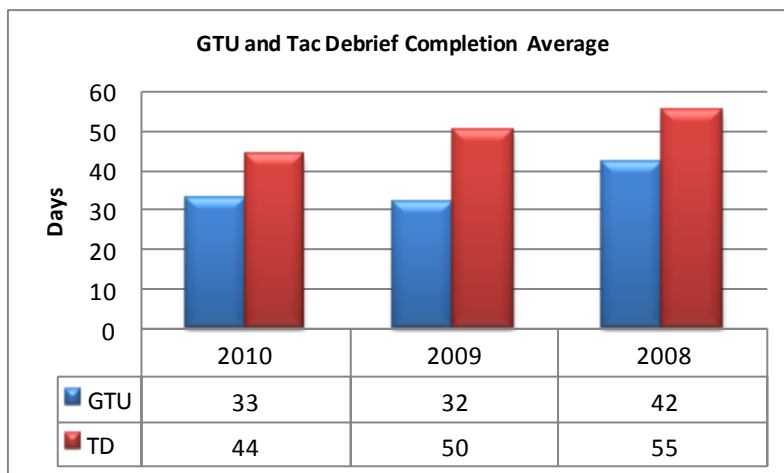
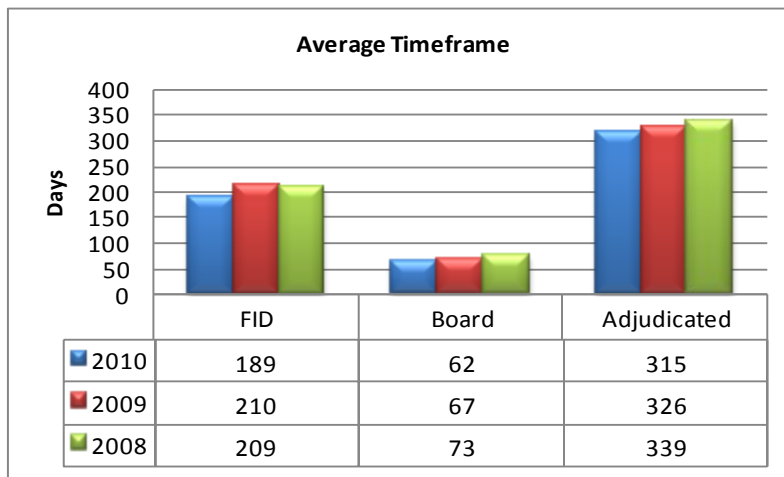
CATEGORICAL USE OF FORCE AVERAGE TIMEFRAME

After a CUOF incident, the substantially involved personnel receive a mandated GTU. The GTUs must be completed within 90 days of the incident.

- In 2010, there was a compliance rate of 100 percent (excluding short term and long term leave of absences)

Upon the completion of the adjudication process, a TD is convened with the substantially involved personnel. The TD shall be provided within 90 days of the adjudication of the CUOF incident.

- In 2010, 100 percent of the SIP attended the TD (excluding short term and long term leave of absences)



CATEGORICAL USE OF FORCE ADJUDICATION FINDINGS

Tactics	TD		AD	
2010	237	92.58%	19	7.42%
2009	234	91.05%	23	8.95%
2008	396	93.62%	27	6.38%

D/E	IP		OP	
2010	162	99.39%	1	0.61%
2009	171	98.84%	2	1.16%
2008	280	99.64%	1	0.36%

NonLethal	IP		OP	
2010	72	100.00%	0	0.00%
2009	75	98.68%	1	1.32%
2008	76	100.00%	0	0.00%

LessLethal	IP		OP	
2010	13	100.00%	0	0.00%
2009	19	100.00%	0	0.00%
2008	14	100.00%	0	0.00%

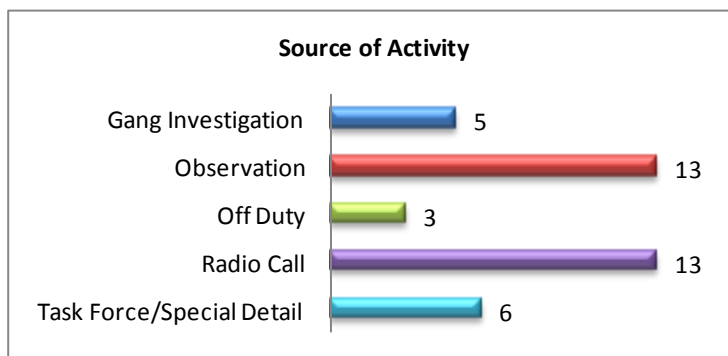
Lethal	IP		OP	
2010	95	95.00%	5	5.00%
2009	81	94.19%	5	5.81%
2008	112	97.39%	3	2.61%

Legend	
AD	Administrative Disapproval
IP	In Policy
OP	Out of Policy
D/E	Drawing/Exhibiting
TD	Tactical Debrief

HIT AND NO HIT OFFICER INVOLVED SHOOTING INCIDENTS

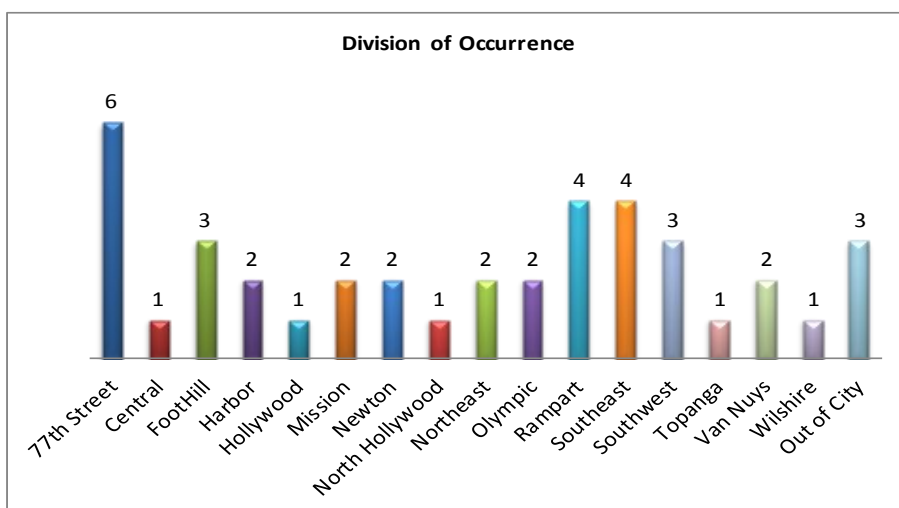
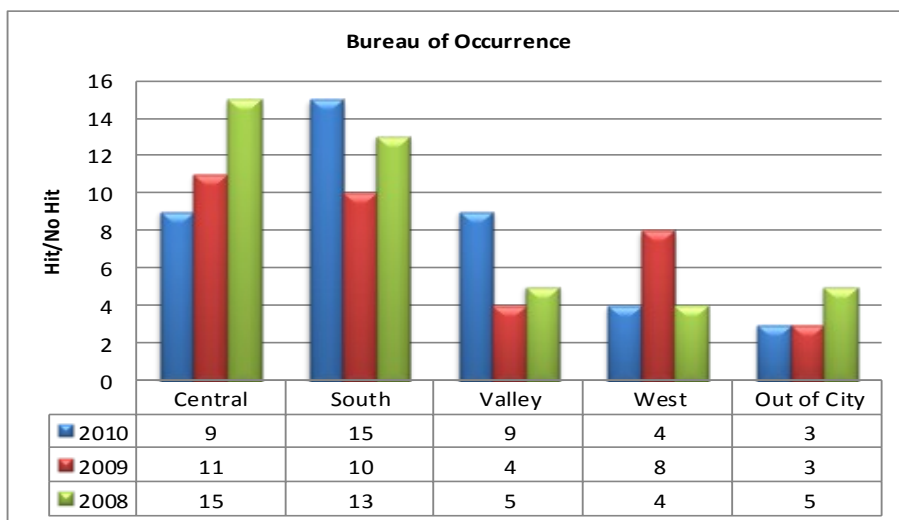
Hit and No Hit Officer Involved Shootings represent a majority of the CUOF incidents. In 2010, there were 40 incidents (26 Hit/14 No Hit), involving 75 Officers discharging their firearm at a suspect(s).

INCIDENT	Hit	No Hit	Hit/No Hit Ratio
2010	26	14	65%
2009	27	9	75%
2008	31	11	74%

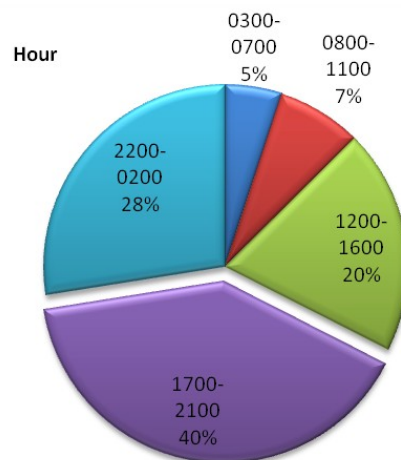
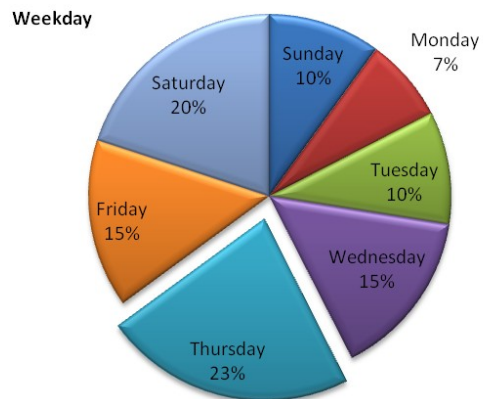
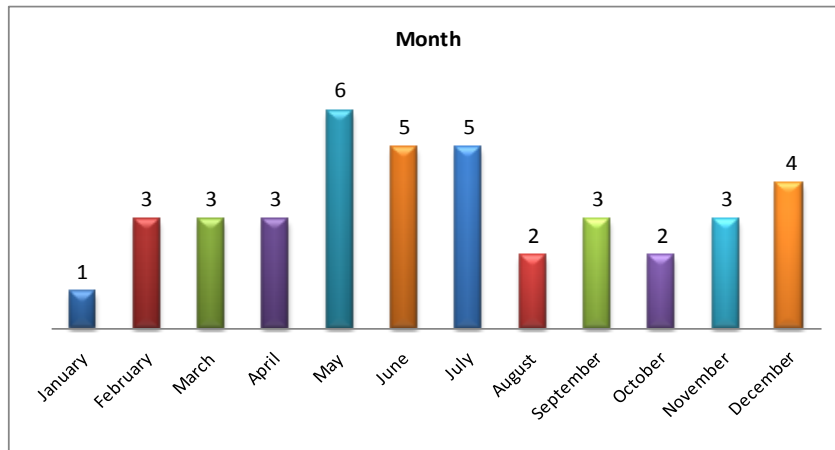


- Observation activities and Radio Calls represent approximately 65 percent of Hit/No Hit incidents
- Traffic/pedestrian stops accounted for 54 percent of observation activities
- Disturbance calls represented 38 percent of radio calls
- Assault with a deadly weapon represented 31 percent of radio calls

HIT AND NO HIT OIS INCIDENT BUREAU/DIVISION OF OCCURRENCE



HIT AND NO HIT OIS INCIDENT MONTH/DAY/HOUR OF OCCURRENCE

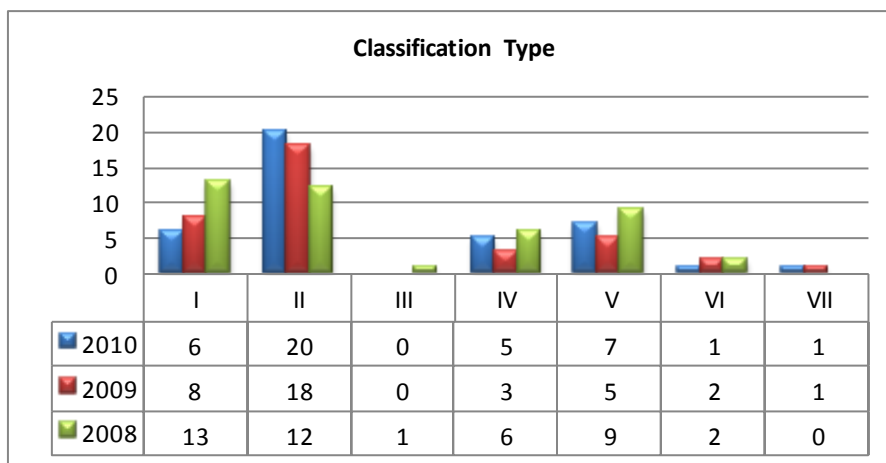


HIT AND NO HIT OFFICER INVOLVED SHOOTING CLASSIFICATION TYPE

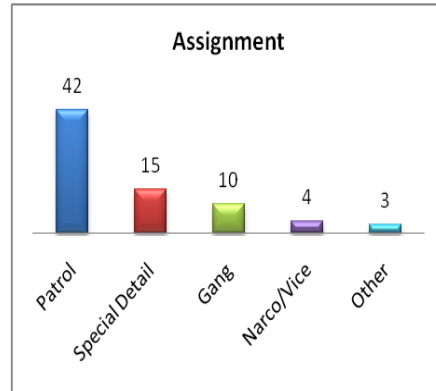
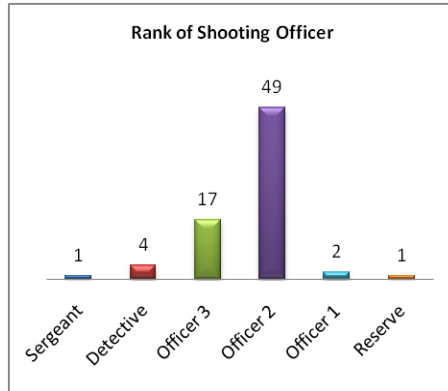
LAPD Officers were engaged in an OIS with a suspect(s) armed with a firearm or other weapon in 83 percent (I,II,V) of the Hit/No Hit incidents. In the Class IV type, perception shootings where no firearm was found, the officers perceived a firearm but pending further investigation, the suspect was in possession of an item perceived to be a firearm (i.e. cell phone, bottle).

Hit/No Hit incidents are classified as follows:

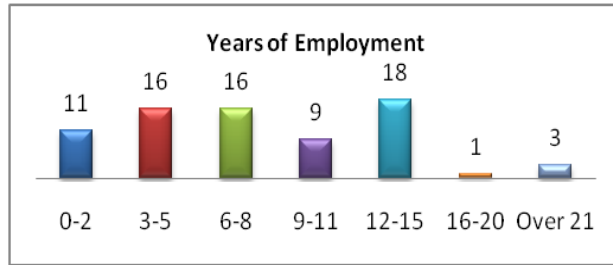
Type	Description
I	Suspect verified with firearm – fired at officer or 3 rd party
II	Suspect verified with firearm – firearm in hand or position to fire, but did not fire
III	Perception shooting – firearm present but not drawn
IV	Perception shooting – no firearm found
V	Shooting of person armed with weapon other than firearm
VI	Shooting of person with no weapon - SBI to self/others
VII	Tactical Discharge



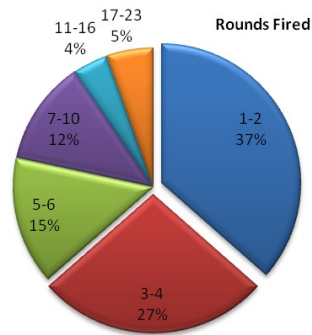
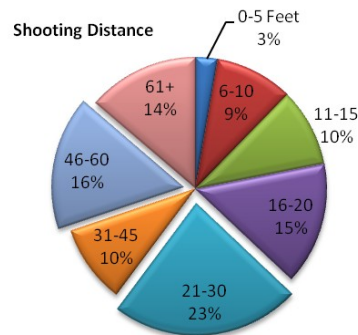
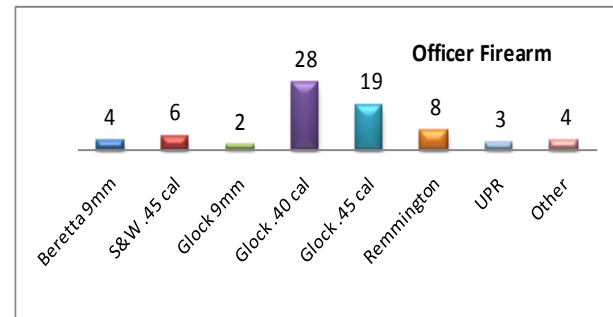
HIT/NO HIT OIS—OFFICER INFORMATION



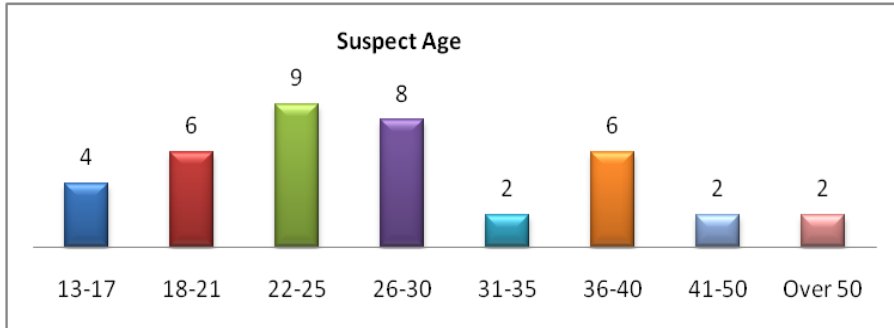
- 75 Officers discharged their firearm, in 40 Hit/ No Hit incidents. In one incident the discharge was a warning shot (not included in the following graphs)



- The rank, assignment, years of employment, firearm, distance and rounds fired were consistent with prior years

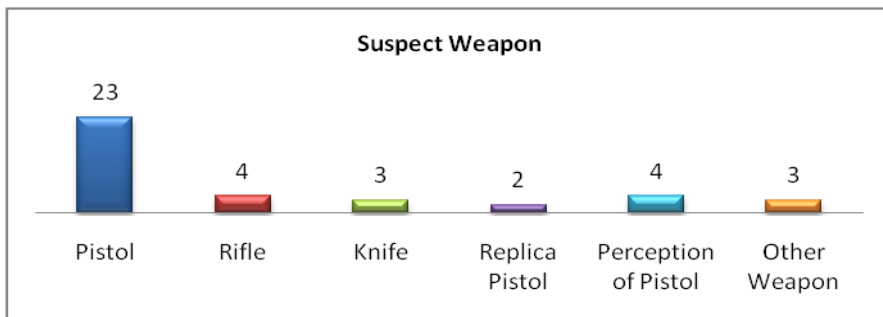
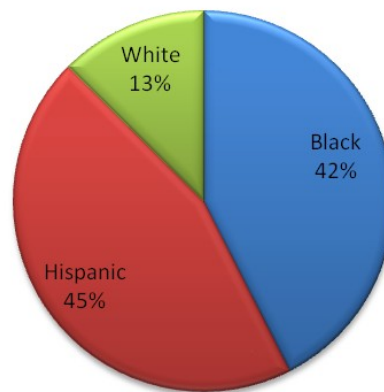


HIT/NO HIT INCIDENT—SUSPECT INFORMATION



- Out of the 40 Hit/No Hit OIS incidents, 16 suspects were killed and 13 suspects were injured
- 14 Hit/No Hit incidents involved documented gang members
- Seven incidents involved suspects under the influence of drugs and/or alcohol
- Two incidents involved a suspect with a mental disorder
- One incident involved a female suspect

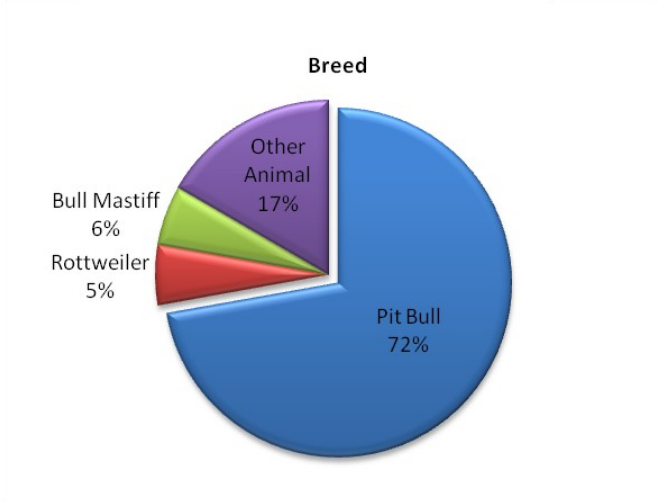
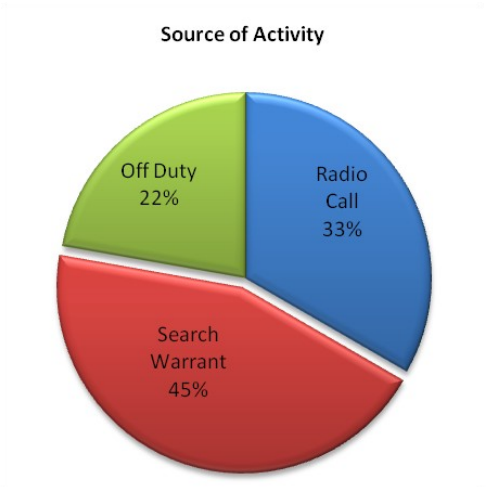
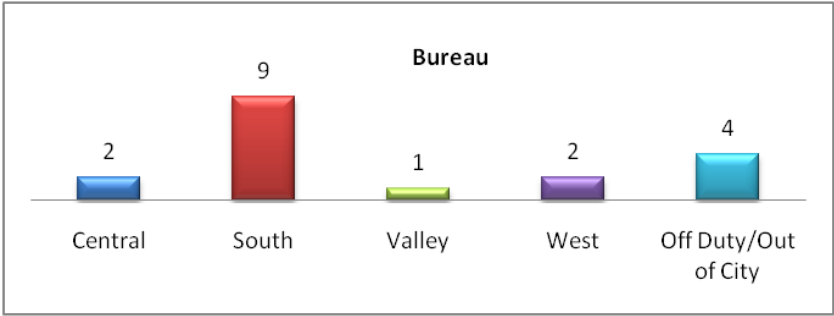
Suspect Race



In the four of the five incidents involving Officer's perception of a firearm, the suspects were in possession of a bat, cell phone, bottle, and an unknown dark object. The suspects made similar movements as raising a firearm and pointing it towards the officers. In the fifth incident, the officer heard gunfire and discharged his/her firearm.

ANIMAL SHOOTING INCIDENTS

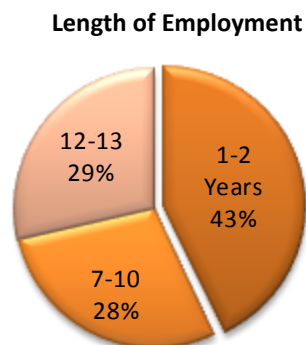
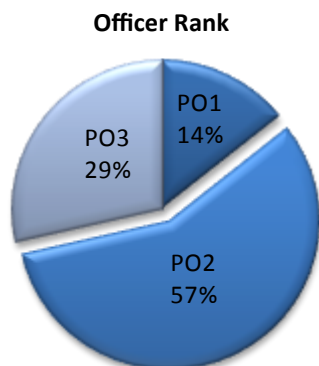
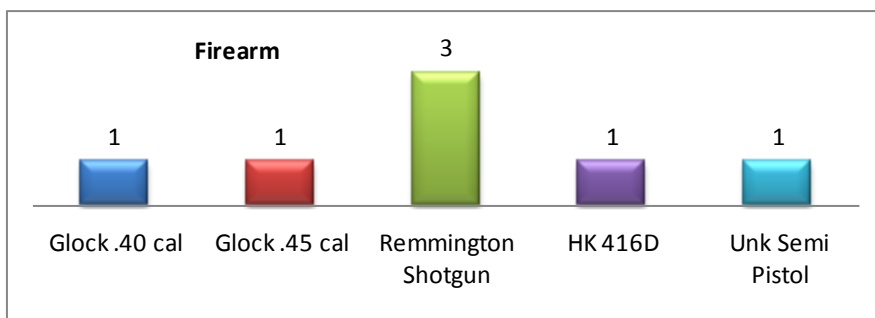
- 15 of the 18 Animal OISs, involved a dog shooting
- The other three were off duty, involving a bear, opossum, and a bobcat



UNINTENTIONAL DISCHARGE INCIDENTS

There have been seven Unintentional Discharge incidents in 2010.

- Three incidents occurred while conducting police activity, and accidentally pressed the trigger
- Four incidents occurred during an inspection of the firearm and accidentally pressed the trigger

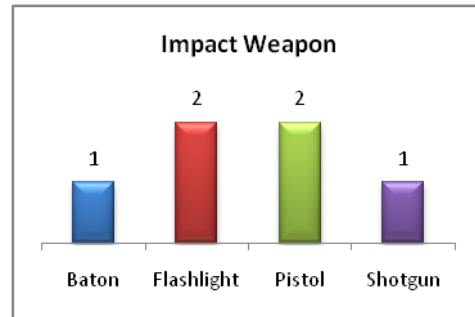


CAROTID RESTRAINT CONTROL HOLD INCIDENT

There was one CRCH incident in 2010. In the incident, the officer was attempting to handcuff a violent suspect armed with a firearm.

HEAD STRIKE INCIDENTS

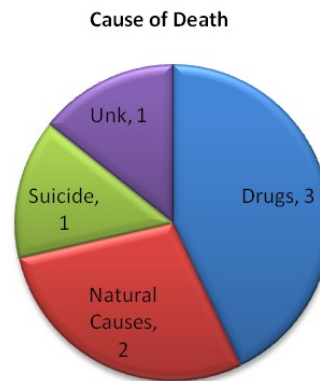
There were three Head Strike incidents in 2010. One of the three incidents, was an intentional use of deadly force to strike the suspect's head with a baton. The other two incidents were inadvertent strikes to the suspect's head with a bean bag round and a baton.



IN-CUSTODY DEATH INCIDENTS

There were seven ICD incidents in 2010, which was an increase over 2009 (1), but consistent with the average of the previous three years (6).

- One of the ICD incidents has been tolled and awaiting adjudication
- Five of the subjects were under the influence of drugs, but three subjects died due to an accidental death caused by drugs (based on Coroner's autopsy)



K-9 CONTACTS WITH HOSPITALIZATION INCIDENT

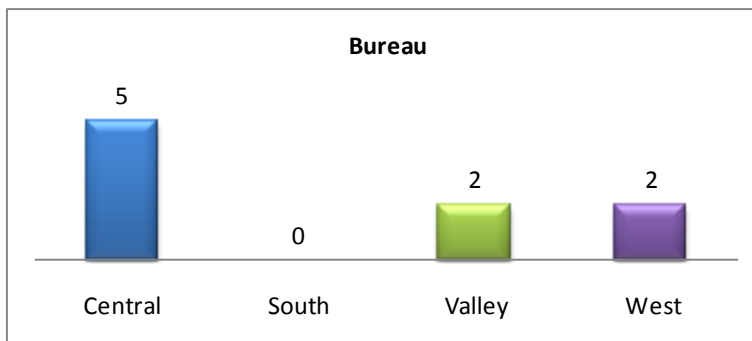
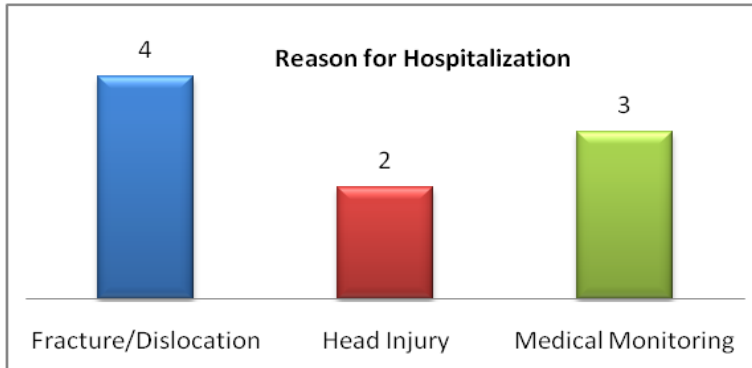
In 2010, there was one K-9 Contact with Hospitalization incident. The average of the previous three years has been four per year.

- The K-9 Contact occurred while searching for a gang member armed with a firearm

LAW ENFORCEMENT RELATED INJURY INCIDENTS

There were nine LERIs in 2010 which are consistent with the prior years.

- Five of nine incidents were generated by a radio call, three observation investigations, and one task force/special detail
- All incidents involved suspects that were fighting and resisting arrest
- Four suspects were documented gang members
- Three suspects were under the influence of drugs/alcohol
- Suspect Race: one Black, three Hispanic, three White, two Other
- Eight of nine suspects were males

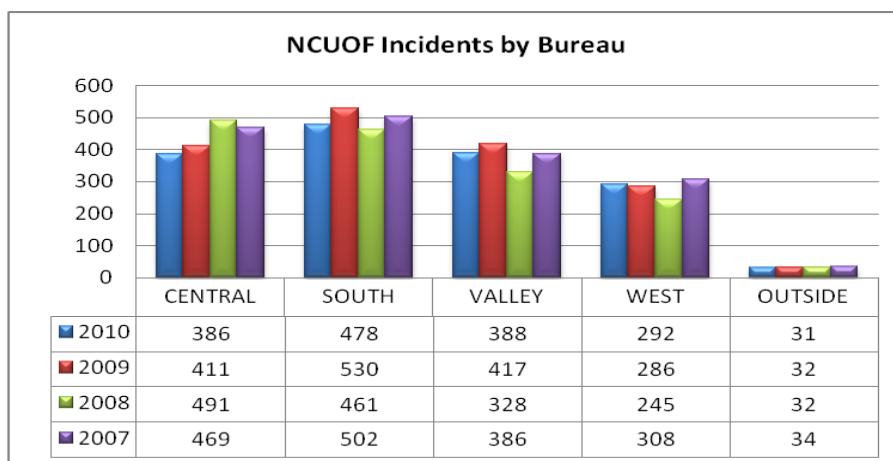


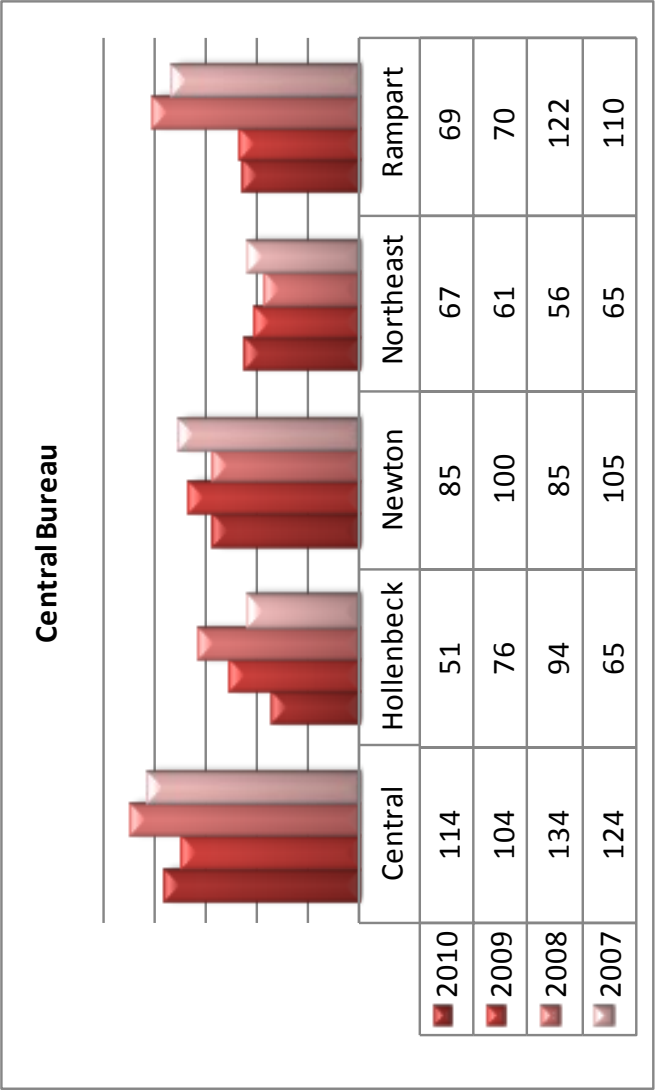
Non-Categorical Use of Force Incidents

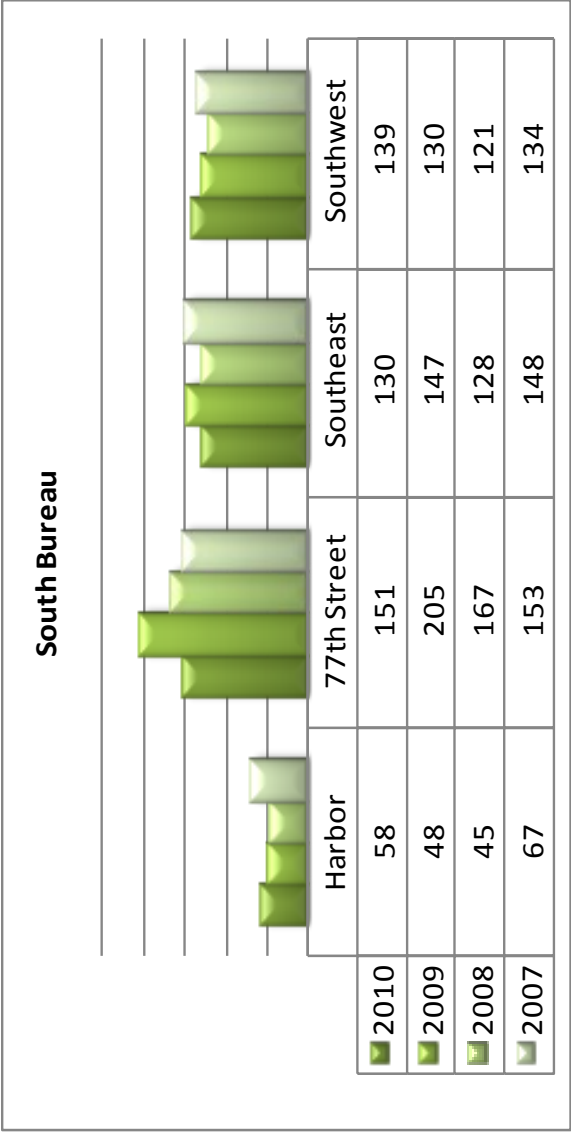
NON-CATEGORICAL USE OF FORCE INCIDENT SUMMARY

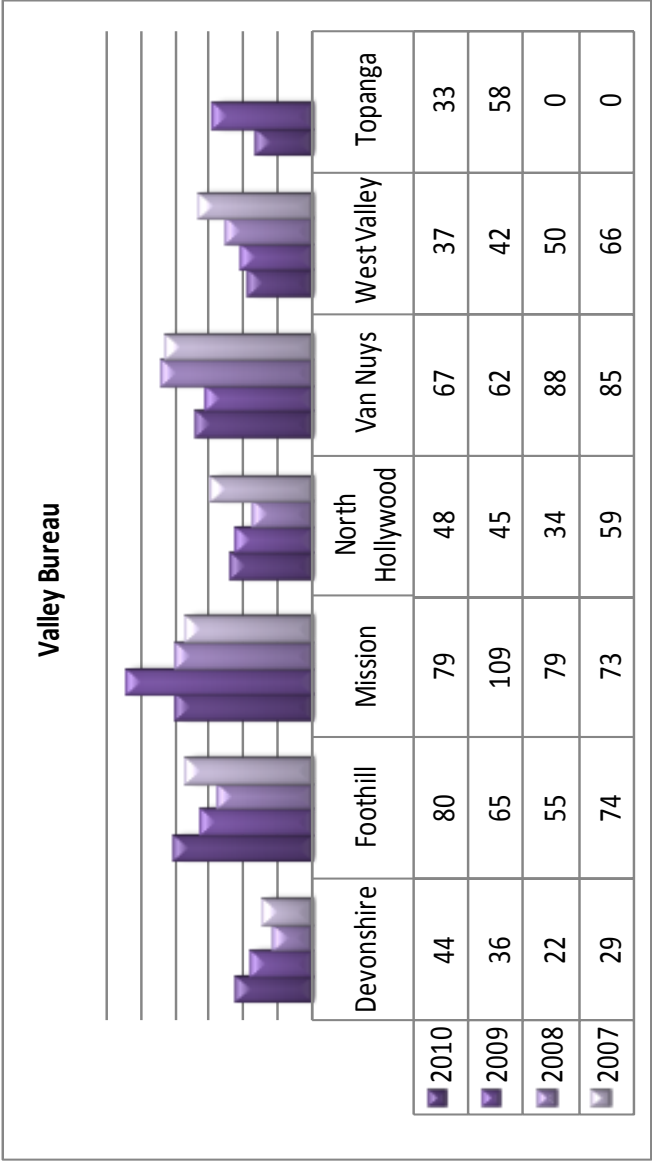
Overall, NCUOF incidents decreased six percent Department-wide between 2010 and 2009, with Level I incidents remaining consistent.

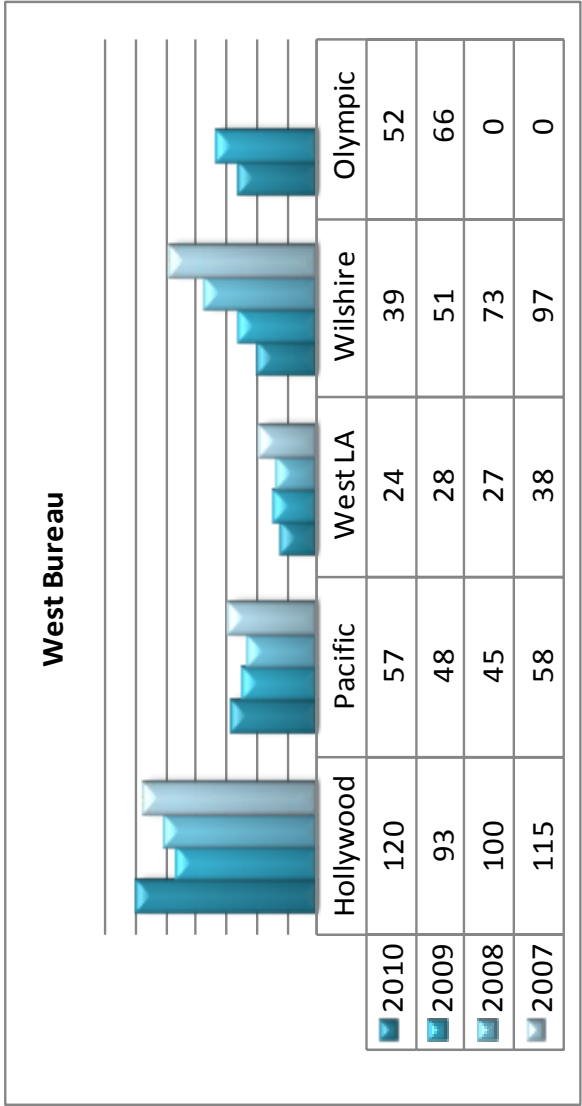
YEAR	NCUOF INCIDENTS	LEVEL I / LEVEL II
2010	1575	113/1462
2009	1676	113/1563
2008	1557	148/1409
2007	1699	180/1519





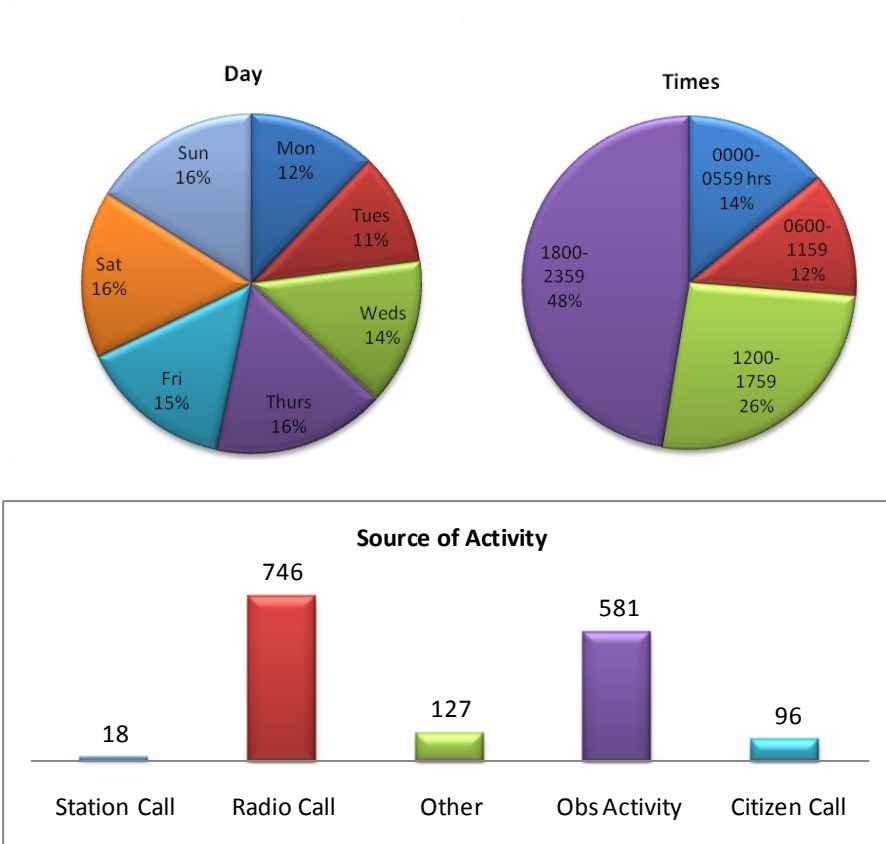






NON-CATEGORICAL USE OF FORCE INCIDENT OCCURRENCES

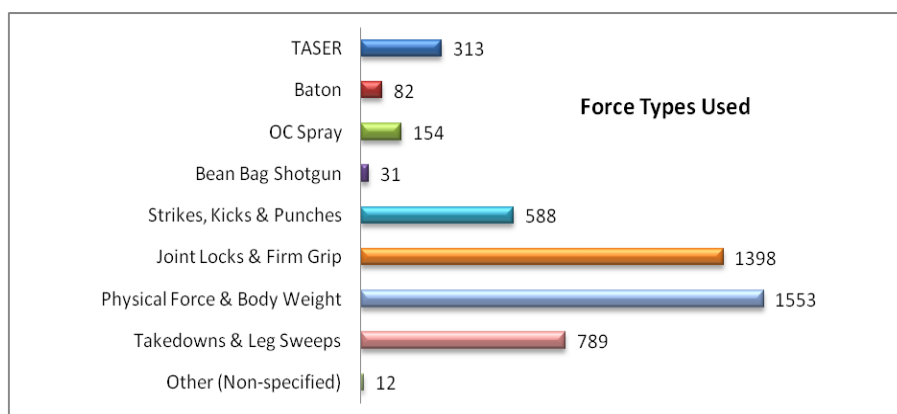
- 63 percent of NCUOF occurred on Thursday through Sunday
- 48 percent occurred between the hours of 6:00 PM and Midnight
- 48 percent of NCUOF occurred investigating a Radio Call, followed by 37 percent while conducting self-initiated, observational activities



FORCE OPTIONS USED DURING NON-CATEGORICAL USE OF FORCE INCIDENTS

- In 2010, some type of physical force accounted for 88 percent of all force options used during NCUOF incidents, compared to 87 percent in 2009 and 88 percent in 2008
- The most commonly used control device, a TASER, accounted for six percent of all Force Type options used during NCUOF incidents in 2010, followed by OC Spray with three percent
- The TASER was used 54 percent of the time (2009, 51 percent), OC Spray was deployed 27 percent (2009, 34 percent), Baton used 14 percent (2009, 11.2 percent) and the Bean Bag Shotgun was deployed 5 percent (2009, 3.8 percent)

During a NCUOF, one or more force option was used. In a single NCUOF incident, the involved officers may have used a chemical agent, a baton strike, and finally a takedown and physical force to control a subject. Each force option or tool used was counted separately and included in the chart.



INJURIES TO OFFICERS AND SUBJECTS DURING NCUOF INCIDENTS

Visible injuries suffered by officers during NCUOF incidents were similar in type as those suffered by subjects (i.e. contusions and abrasions) but not in frequency. The Officer and Subject tables detail the four categories used to capture injuries during NCUOF incidents. Visible injuries include contusions and bruises, lacerations, punctures, scratches and abrasions. Officers and subjects may have more than one visible injury (i.e. a contusion and an abrasion) which would be counted separately. The most common visible injuries were abrasions/scratches.

OFFICER INJURY

	2010		2009		2008	
OFFICER INJURY	NUMBER	%	NUMBER	%	NUMBER	%
Visible Injury	518	24	786	27	575	17
No Injury	1518	71	1882	66	2606	79
Complained of Pain	87	4	167	6	116	3
Fractures/Dislocation	17	0.8	9	0.3	20	0.6
TOTALS	2140		2857		3317	

SUSPECT INJURY

	2010		2009		2008	
SUBJECT INJURY	NUMBER	%	NUMBER	%	NUMBER	%
Visible Injury	1473	59	1567	62	1559	60
No Injury	489	20	552	22	562	22
Complained of Pain	500	20	370	15	420	16
Fractures/Dislocation	25	1	22	1	40	2
TOTALS	2496		2489		2581	

RACE OF SUBJECTS INVOLVED IN A NCUOF INCIDENTS

SUBJECTS	2010		2009		2008	
RACE	NUMBER	%	NUMBER	%	NUMBER	%
Asian	17	1	17	1	29	2
Black	576	38	624	39	580	38
Hispanic	680	45	735	46	715	46
White	240	16	231	14	220	14

ADJUDICATION OF NON-CATEGORICAL USE OF FORCE INCIDENTS

All NCUOF incidents are reviewed by the officer's chain-of-command to ensure compliance with Department policy, and adherence to tactical standards and training. All NCUOF incidents are reviewed by commanding officers where a finding for force and tactics employed by the officer are evaluated. Each officer who uses force during a NCUOF incident is given separate findings for the force and tactics. These findings are bifurcated to better evaluate the actions of the officer leading up to and during the incident (tactics) and the actual control tools (force) used by that officer. The officer's Area commanding officer (where appropriate) and Bureau commanding officer, also review the investigation and provide their own findings. The Office of Administrative Services is the final authority in adjudicating NCUOF incidents and delegates to the commanding officer, Use of Force Review Division, the responsibility of the final review and adjudication of NCUOF incidents on behalf of the Chief of Police.

In 2010, over 99 percent of all officers involved in a NCUOF were found to be consistent with Department training and/or policy.

NON-CATEGORICAL USE OF FORCE INCIDENTS		2010	2009	2008	2007
Total Officers Involved		4246	4415	4154	4432
Tactics	In Policy/No Action	3586	3704	3540	3899
	In Policy/Non-Disciplinary Action	644	702	610	523
	Out of Policy (AD)	16	9	4	10
Total Officers Involved		4218	4361	4053	4338
Force Used	In Policy/No Action	4046	4123	3878	4189
	In Policy/Non-Disciplinary Action	158	223	168	133
	Out of Policy (AD)	14	15	7	16

DEFINITIONS

Carotid Restraint Control Holds: *All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold. (2010 LAPD Manual 3/794.10)*

Categorical Use of Force Incident: *An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee; all uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold; all deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death or ICD); A use of force incident resulting in death; a use of force incident resulting in an injury requiring hospitalization, commonly referred to as a Law Enforcement Related Injury or LERI; all intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and all unintentional (inadvertent or accidental) head strikes that results in serious bodily injury, hospitalization or death; officer involved animal shootings and non-tactical unintentional discharges. (2010 LAPD Manual 3/792.05)*

Deadly (Lethal) Force: Refer to the Use of Force Policy (pg. #3)

Drawing and Exhibiting and/or Use of Force - Administrative Disapproval - Out of Policy: *A finding, supported by a preponderance of the evidence, that the actions of the employee relative to drawing and exhibiting a firearm or use of force were not within the Department's policies. (2010 LAPD Manual 3/792.05)*

Drawing and Exhibiting and Use of Force - In Policy – No Further Action: *A finding, supported by a preponderance of the evidence, that the actions of the employee relative to drawing and exhibiting a firearm or use of force were within the Department's policies. (2010 LAPD Manual 3/792.05)*

Force Option: All Department-approved physical force techniques (i.e., firm grip, punch, takedown, etc.) or devices (i.e., OC spray, baton, TASER, etc.) available to an officer. Force Options fall into the following three categories: Lethal (Deadly Force), Less-Lethal (TASER, bean bag, other projectile devices), Non-Lethal (firm grip, takedown, etc.).

General Training Update: *Standardized training provided by the employee's command or Training Division personnel, to personnel involved in a CUOF incident. The Training Update is not an inquiry into the specific details of the CUOF. The intent of the update is to provide involved personnel with standardized training material in the tactical issues and actions readily identified in the CUOF incident as well as an update on the Use of Force policy. Training should be provided as soon as practicable. (2010 LAPD Manual 3/792.05)*

Head Strikes: *All intentional head strikes with an impact weapon or device (e.g., baton, flashlight, etc.) and all unintentional (inadvertent or accidental) head strikes that results in serious bodily injury, hospitalization or death. (2010 LAPD Manual 3/794.10)*

Imminent: *Black's Law Dictionary defines imminent as, "Near at hand; impending; on the point of happening."* (2010 LAPD Manual 1/556.10)

In-Custody Deaths: *All deaths while the arrestee or detainee is in the custodial care of the Department.* (2010 LAPD Manual 3/794.10)

Less-Lethal Force: Force which describe weapons and ordnance that are not fundamentally designed to kill or cause serious injury and is associated with projectile munitions such as the Department's bean bag shotgun, Sage Launcher or TASER.

Non-Categorical Use of Force: *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 a 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; 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., bean bag 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 15.07.00, and submitted to the commanding officer for review and appropriate action. 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 15.48.00; and isolated incidents resulting from a crowd control situation may require a use of force investigation as determined by a supervisor at the scene.* (2010 LAPD Manual 4/245.05)

Non-Lethal Force: Amount of force not likely to cause significant or serious injury.

Substantially Involved Personnel: *The term "substantially involved" includes the employee(s) applying force or who had a significant tactical or decision-making role in the incident.* (2010 LAPD Manual 3/792.05)

Tactics - Administrative Disapproval: *A finding, supported by a preponderance of the evidence, that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training.* (2010 LAPD Manual 3/792.05)

Tactics—Standard (Tactical) Debrief: *A finding that no action beyond the Tactical Debrief and Training Update is needed.* (2010 LAPD Manual 3/792.05)

Tactical Debrief: *The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance. The Tactical Debrief is conducted by the Categorical Use of Force Debrief Facilitator.* (2010 LAPD Manual 3/792.05)

Unintentional Discharge: *The unintentional discharge of a firearm regardless of cause. Unintentional discharges are evaluated then determined to be “Accidental Discharges” or “Negligent Discharges.”* (2010 LAPD Manual 3/792.05)

Use of Force—Tactics Directive: A written directive from the Chief of Police, which contains procedure and/or insight into use of force issues. Use of Force *policy* will continue to be placed into the Department Manual and may be reiterated in a Use of Force—Tactics Directive.



CONTACT INFORMATION

Office of Administrative Services
Sandy Jo MacArthur, Assistant Chief
100 West First Street, Suite 1030
Los Angeles, CA 90012
213-486-6790

Use of Force Review Division
Captain Scott Sargent
100 West First Street, Suite 268,
Los Angeles, CA 90012
213-486-5950

- Administrative Section
Sergeant Susana Padilla
213-486-5950
- Categorical Review Section
Lieutenant Jeff Wenninger
213-486-5960
- Non-Categorical Review Section
Lieutenant Brian Gilman
213-486-5970
- Tactics Review Section
Sergeant Derek O'Donnell
213-486-5980

ABOUT THE DIVISION

Use of Force Review Division is comprised of the following sections: Administration Section, Categorical Review Section, Non-Categorical Review Section and Tactics Review Section. Use of Force Review Division reports directly to the Office of Administrative Services and facilitates the review and adjudication of all Categorical and Non-Categorical Use of Force incidents on behalf of the COP.

Use of Force Review Division coordinates and schedules the Use of Force Review Boards for Categorical Use of Force incidents and provides staff support to the Board members. Use of Force Review Division maintains and updates Categorical and Non-Categorical Use of Force databases and prepares statistical information pertaining to use of force incidents.

Additionally, the Tactics Review Section provides Department-wide use of force training, oversees the Department's General Training Update and Tactical Debrief process, as well as, publishes the quarterly Tac Ops newsletter and maintains the UOFRD website (LAN).