



# The Portland Police Bureau: Officer-Involved Shootings and In-Custody Deaths

## Appendix

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those individuals within their units who are responsible for authorizing the release of copies, or information from confidential reports.

Members not associated with the investigation and attempting to obtain information or copies, should notify Records of their request, who in turn will contact the appropriate unit for authorization.

Members may receive copies of those reports authored by them without prior approval.

**Division/Precinct/Unit Responsibilities (950.00)**

A division/precinct/unit receiving confidential reports, or when receiving notification that a report is classified confidential, will ensure that the reports are maintained in such a manner that only members with a need to know have access to the reports.

**Destruction of Sensitive Paper (950.00)**

RU managers will appoint a supervisor to be responsible for their sensitive paper collection. All sensitive papers will be shredded, bagged and disposed of.

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**1010.10 DEADLY PHYSICAL FORCE, USE OF, INCLUDING REPORTING REQUIREMENTS**

Index: Title; Altered Duty Assignment; Deadly Physical Force Against Members; Firearms Policy; Force, Deadly Physical; Notification Procedures When Deadly Physical Force is Used Against Bureau Members; Reports – Requirements, Use of Deadly Physical Force; Review Board, Firearms Discharge: Shooting at or From Vehicles; Shooting, Cover Fire; Warning Shots; Cover Fire

Refer: ORS 131.005 Probable Cause, defined  
ORS 161.015 Deadly Physical Force and Serious Physical Injury, defined  
ORS 161.219 & 161.239 Use of Deadly Physical Force  
DIR 411.00 Traumatic Incident Consultations  
DIR 630.05 Vehicle Pursuits  
DIR 631.70 Investigations of Animal Problems  
DIR 910.00 Field Reporting Handbook Instructions  
Acknowledgment of Order (Detectives)  
Supervisors Checklist (Detectives)

**POLICY (1010.10)**

The use of statutorily defined deadly weapons, barricades and vehicle ramming, constitutes deadly physical force. Also, depending upon how they are used, flashlights, batons, body parts, and other statutorily defined dangerous weapons may

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constitute deadly physical force.

The Bureau recognizes that members may be required to use deadly force when their lives or the life of another is jeopardized by the actions of others. Therefore, state statute and Bureau policy provide for the use of deadly force under the following circumstances:

- a. Members may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury.
- b. A member may use deadly force to effect the capture or prevent the escape of a suspect where the member has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the member or others.
- c. If feasible, some warning has been given.

Members must be mindful of the risks inherent in employing deadly force. A member's reckless or negligent use of deadly force is not justified in this policy or state statute. Members are to be aware that this directive is more restrictive than state statutes.

### **Other Authorized Uses for Firearms (1010.10)**

A member is also authorized to discharge a firearm in the performance of official duty under the following circumstances:

- a. To kill or deter a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering.
- b. At a firing range pursuant to all safety rules and regulations.
- c. A member may discharge a firearm in a tactical situation (covering fire) to neutralize the use of deadly physical force.

### **Shooting At or From Vehicles (1010.10)**

A member justified in using deadly physical force may shoot at, or from, a moving vehicle if, in the totality of the situation, the additional risks are clearly outweighed by the need to use deadly physical force.

### **Warning Shots (1010.10)**

Members will not fire warning shots.

## **PROCEDURES (1010.10)**

### **Directive Specific Definitions**

A barricade is the intentional blocking/barricading of a roadway, by any means, to prevent passage of a pursued vehicle (per DIR 630.05).

Covering fire is the authorized discharge of firearms in a tactical situation to neutralize the use of deadly physical force by a suspect or suspects so that police or other persons can maneuver safely.

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Deadly physical force is that physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury (per ORS 161.015(3)).

Police action is any circumstance(s), on or off duty, in which a member exercises official authority.

Probable cause is a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it (per ORS 131.005(11)).

Serious physical injury is physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ (per ORS 161.015(8)).

In a walk-through, a detective and the involved member(s) and/or witness member(s) walk through the scene of the incident to determine the positions of individuals, direction of fire, field of fire, number of shots fired, location of physical evidence and possible witnesses.

A witness member is a member who observes, or has firsthand knowledge of, the events surrounding the use of deadly physical force by another member and, other than observing the incident, did not participate in the use of deadly physical force.

A warning shot is the discharge of a firearm intended to disarm and stop a perpetrator in order to control a situation.

**Investigations and Reporting (1010.10)**

The investigation of a member involved use of deadly physical force requires that complete information be obtained in a timely manner. A thorough investigation into the events surrounding an incident is of critical importance to the involved member(s) and the Bureau. The Bureau also recognizes the impact these traumatic incidents have on its members and acknowledges the need to be sensitive when conducting the required investigation. Recognizing these dual responsibilities, the following procedures serve to meet both goals.

All incidents involving the use of deadly physical force require that the Detective Division (Detectives) or a supervisor respond and assume responsibility. Intentional use of deadly force cases and accidental discharge of firearms cases resulting in injury will be reviewed by the DA.

**Duties and Responsibilities when Deadly Physical Force is Used Inside Portland While On or Off Duty during a Police action (1010.10)**

When deadly physical force is used on or off duty inside the City, the following procedures will apply.

a. Use of Deadly Physical Force by a Member

1. The member will notify an on-duty supervisor of the precinct of occur-

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- rence, as well as his/her own supervisor, if assigned to a precinct or division other than the precinct of occurrence. These notifications will take place as soon as possible.
2. The member, unless injured, will remain at the scene until released by an on-scene supervisor. This release must be approved by a detective. The member will not be held at the scene any longer than necessary.
  3. In situations requiring Detectives involvement, the member will not drive a vehicle following the incident. An uninvolved member will be assigned to transport each involved member.
  4. The member will be provided the time to discuss the incident with his/her immediate supervisor and/or RU manager, union representative, and private attorney. The member will avoid extensive discussion of the incident with anyone involved in the incident prior to being interviewed by a detective or supervisor.
  5. After conferring with a Deputy District Attorney (DDA), a detective may require the member, if able, to participate in a walk-through of the scene. A member required to participate in a walk-through will first sign an Acknowledgment of Order form. The member will not be required to participate in a walk-through until after the member has had a chance to discuss the incident with a union representative or private attorney. The member will be accompanied by the member's private attorney and a detective assigned to the investigation. A DDA may also participate in the walk-through.
  6. If the detective does not require the member to participate in a walk-through, the member may be offered the opportunity to participate in a voluntary walk-through. The offer to participate in a voluntary walk-through and the response must be documented by the detective. The member will not be asked to participate in a walk-through until after the member has had a chance to discuss the incident with a union representative or private attorney. If the member agrees to participate in the walk-through, the member will be accompanied by the member's private attorney and detective assigned to the investigation. A DDA may also participate in the walk-through.
  7. After meeting with a private attorney, the member will be asked to discuss the incident with the detective. Following the discussion, the member will be asked to submit to a tape-recorded interview. As per DIR 910.00, the member will be required to file a report. The member generally will not be ordered to submit to an interview unless the lead detective, the supervisor and the DDA decide it is appropriate on a case-by-case basis.
  8. The member will not be released from duty without the approval of the detective in charge of the investigation.

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9. Before being released from duty the member will be provided time to contact the EAP coordinator and/or the responding TIC members.
- b. Witnesses to the Use of Deadly Force
1. All witness members, unless injured, will remain at the scene until released by an on-scene supervisor. This release must be approved by a detective. The witnesses will not be held at the scene any longer than necessary.
  2. After conferring with a DDA, a detective may require any witness members, if able, to participate in a walk-through of the scene. A member required to participate in a walk-through will first sign an Acknowledgment of Order form. The member will not be asked to participate in a walk-through until after the member has had a chance to discuss the incident with a union representative. The member will be accompanied only by the member's union representative, a DDA, and a detective assigned to the investigation.
  3. All witness members will be required to submit to an interview and/or complete a written report, prior to going off shift. If injured, the witness member will be interviewed when medically stable.
  4. Prior to the interview and walk-through with the detective witness members will not have extensive discussion about the incident with any other person, except their immediate on-scene supervisor and their union representatives. Witness members will be entitled to union representation throughout the course of the investigation.
- c. Deadly Force Investigations
1. Non-Injury Accidental Discharge or Animal Destruction
    - a) Immediate supervisors will be responsible for investigating incidents involving the discharge of firearms when:
      - 1) The discharge was accidental and it is determined that no one sustained physical injury.
      - 2) The discharge was accidental and it is determined that only property was damaged.
      - 3) An animal was intentionally destroyed under the guidelines of DIR 631.70.
    - b) This requirement does not prohibit a supervisor from requesting Detectives assistance if the circumstances dictate such involvement.
    - c) Prior to going off duty, the supervisor's investigation into the incident will be documented on an inter-office memorandum and sent through channels to the RU manager. The memorandum will contain:
      - 1) An interview of all involved parties.
      - 2) A sketch of the scene.
      - 3) A description of all weapons involved.

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- 4) If possible, the point of impact of all shots fired.
  - 5) Any resulting damage to property.
  - d) In such cases the supervisor will determine if it is necessary for any weapons to be submitted to the crime lab. If a primary sidearm cannot be returned to a member prior to being released from duty, the member's supervisor will contact Training for a replacement sidearm, that will be provided prior to that member being released from duty.
  - e) In the absence of the member's immediate supervisor, these duties will be fulfilled by a supervisor of the precinct of occurrence.
2. Intentional Use or Injury Situations: Detectives will respond and assume investigative responsibility in incidents involving the intentional use of deadly physical force or when anyone is injured as the result of a member's use of deadly force, including accidental discharge.
- d. Detectives Responsibilities
- 1. Detectives conducting an investigation will be responsible for all investigative duties, including the completion of the Investigation Report, scene sketches, evidence processing and interviews of members and supervisors involved.
  - 2. The report will include detailed information related to any weapons involved; all shots fired and each shot's trajectory and point of impact (if determinable); and any injury to persons or damage to property. When complete, copies of these reports will be sent to the member's RU manager. All weapons, including SERT weapons, involved in a deadly force incident will be taken into custody for submission to the Oregon State Crime Lab (Crime Lab) for appropriate testing. If a primary sidearm cannot be returned to a member prior to being released from duty, a replacement sidearm will be provided prior to that member being released from duty. The investigator or supervisor will contact the Training Division (Training) for a replacement weapon. The investigator will submit all cases involving intentional use of deadly force and accidental discharges with injury to the DA's office for review.
- e. Responsibility Unit (RU) Responsibilities
- 1. Notification Procedures
    - a) The on-scene supervisor of members using deadly force will ensure that the following are notified in all incidents that require Detectives involvement:
      - 1) Detectives
      - 2) The appropriate RU manager
      - 3) Public Information Officer (PIO)
      - 4) EAP Coordinator
      - 5) DA's office



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- 6) Union representation
- b) The RU manager is responsible for the notification of:
  - 1) The appropriate branch manager
  - 2) Chief
  - 3) The commissioner in charge
  - 4) DDA assigned to the Bureau
- 2. Post-Investigation Responsibilities
  - a) After the investigation is completed either by the RU supervisor or Detectives, RU managers will obtain copies of all reports and documents. These items, and a memorandum written by the RU manager discussing the investigation, will be forwarded to the appropriate branch manager. The memorandum will contain the following information:
    - 1) A narrative which briefly and concisely outlines the incident.
    - 2) A conclusion that indicates whether the situation fell within the guidelines of the Bureau's policy and procedures.
    - 3) A critique that describes the manager's opinion as to whether or not the situation was handled properly and, if not, how it could have been handled.
    - 4) Recommendations related to policy, procedure and training.
  - b) Each level of command will review and either concur with the report or make additional recommendations or suggestions.
  - f. Branch Manager Responsibilities: The appropriate branch manager will review and forward copies of the reports to the Review Level Committee.
  - g. Review Level Committee
    - 1. The Review Level Committee is composed of the following:
      - a) Voting Members
        - 1) All branch managers
        - 2) RU manager of the involved member
      - b) Non-Voting Members
        - 1) Personnel Division (Personnel) manager (will act as facilitator)
        - 2) Internal Affairs Division (IAD) Manager
        - 3) Personnel's Human Resources Analyst
        - 4) A Deputy City Attorney
        - 5) Supervisor(s) or relief manager(s) of involved member(s) - (optional)
    - 2. The branch managers and the RU managers of any involved members, will designate an alternate, if they are unable to attend. The Review Level Committee will meet weekly, unless there are no cases to review or a quorum is not available.
    - 3. The Review Level Committee will review the supervisory recommendation as to whether the use of force was accidental, justified or not justified. The involved member's branch manager will create and forward a

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summary and recommendation report to the Chief. Action to be taken beyond the written report to the Chief will be determined on a case-by-case basis.

4. The written report to the Chief will be limited to a summary and a recommendation of the finding, but the committee will also examine the following factors as they apply to each incident:

- a) Policy
- b) Training
- c) Supervision
- d) Tactics
- e) Equipment

h. Altered Duty Pattern

1. Immediately following the intentional use of deadly physical force or the use of deadly physical force by a member which results in injury or death of another person or a member, any member who used deadly physical force will be excused from duty with pay for a minimum of three working days. Any witness member who was directly involved will be excused from duty with pay for a minimum of three days upon the member's request or, absent a request, at the discretion of the member's RU manager. Directly involved means those members who were immediately present and in a position to observe the use of the deadly force. Extension of this altered duty period will be at the discretion of the Chief, or his/her designee, based on the recommendation of the RU manager.
2. As soon as practical after the incident, members on altered duty will consult with a psychiatrist or a psychologist, or members may consult with the Employee Assistance Program (EAP) contracted provider instead. These consultations will be paid by the Bureau. The EAP Coordinator is available to assist with scheduling appointments, answering questions, and dealing with other concerns the member may have. The appropriate branch manager will be notified only that the consultation has occurred. Members on altered duty must complete the required consultations before returning to duty. The confidentiality of privileged communication between patient/client will apply.
3. If the use of deadly physical force does not result in injury or death to any person, the RU manager of any member directly involved will have discretion to direct that member to an altered duty assignment based on circumstances of the incident. If a member is excused from duty with pay under these circumstances, the required consultation, as described above, applies to that member.
4. Following any traumatic incident, the RU manager of any member involved will have discretion to direct that member to an altered duty assignment based on circumstances of the incident. If a member is excused

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from duty with pay under these circumstances, the required consultation, as described above, applies to that member.

5. While in an altered duty assignment, members will regularly contact their assigned unit and receive contact from their unit. Upon returning from an altered duty assignment, members will have the opportunity to work with another member, as staffing levels allow (e.g., two-person district patrol).
- i. Deputy City Attorney assigned to the Bureau: The Deputy City Attorney (DCA) assigned to the Bureau will provide assistance as requested by members.
- j. EAP
  1. EAP will provide appropriate assistance to members involved, their families (if such assistance is requested), and command members. The EAP Coordinator will notify the assigned volunteer chaplain and/or a member from the TIC team, who will respond to each incident when a weapon is discharged at a member by a citizen or at a citizen by a member (whether or not any person is struck by a bullet) and any time a member's life is clearly endangered. This action will enable the member to receive timely and appropriate support.
  2. In the event the EAP Coordinator is not available, the assigned volunteer chaplain will notify a TIC team member who will respond. The volunteer chaplain, or member responding, is called to be available for counsel at the involved member's discretion.
  3. The EAP Coordinator, the volunteer chaplain or TIC team member will also discuss with the member involved any professional assistance and counseling that is available.

**Duties and Responsibilities when Deadly Physical Force is Used On or Off Duty Outside Portland during a Police action (1010.10)**

- a. Members using deadly physical force will:
  1. Notify the jurisdiction of occurrence.
  2. Notify a Bureau on-duty supervisor of the precinct closest in proximity to the situation. This person will ensure that the best-suited supervisor is assigned to perform the follow-up requirements, which include notifications, reporting to the scene, as well as serving as a liaison.
  3. The investigation will be conducted by the jurisdiction of occurrence, unless that jurisdiction requests that the Bureau investigate. If the Bureau is asked to investigate, the conditions listed in "Use of Deadly Force by a Bureau Member" will apply.
- b. The supervisor who is notified will:
  1. Ensure that the notifications listed previously occur.
  2. Report to the scene of the incident if it has occurred in Multnomah, Wash-

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ington, Clackamas Counties or Clark County, Washington.

3. Act as the Bureau liaison to the investigating agency and ensure that appropriate support is provided to the involved member.
4. Ensure that the other provisions listed in "Use of Deadly Force by a Bureau Member" are met.

**Human Relations Factors (1010.10)**

In addition to the requirements previously listed, when deadly physical force is directed at a person by a member or by a person at a member, the following guidelines will be adhered to:

a. RU Guidelines

1. RU command will ensure that transportation is provided to the member's friends or family, if appropriate.
2. If the member is admitted to the hospital, the member's immediate supervisor will ensure that a sworn member is placed outside the door of the member, if circumstances so dictate.

b. Detectives Guidelines: The member will be afforded the time and opportunity to notify family or friends about the incident. If the member is unable to do this, EAP, RU representatives and friends will determine who will assume that responsibility.

c. EAP Coordinator Guidelines

1. If the member is unable to notify them, or their family and friends are not available, the EAP Coordinator, or designee, will assume that responsibility.
2. The EAP Coordinator, or designee, will maintain contact with the friends or family members at the hospital during the initial hospital visit to ensure their questions and concerns are met.

d. Branch Manager Guidelines

1. Within the first three days, contact the member to determine if needs are being met.
2. If after three days of altered duty, or after the grand jury has returned a finding, the member is not comfortable in returning to street duty, they will be:
  - a.) Allowed additional time off, as deemed appropriate.
  - b.) Temporarily assigned to a support position.
  - c.) Assisted in filing service-connected disability forms.

**Use of Deadly Force Inside Portland by a Member from Another Jurisdiction (1010.10)**

On occasion, members from other jurisdictions take police action within the city limits of Portland. If such police action results in the use of deadly physical force against a person, the Bureau will normally be the investigating agency.

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Detectives will be responsible for the investigation.

The on-scene supervisor will ensure that an on-duty supervisor of the police officer's agency is notified. Unless there is some immediate need to seize weapons, the shooter(s) will be allowed to keep their weapon(s) until their agency supervisor arrives. Upon arrival, the agency supervisor will take custody of the firearm and, if necessary, surrender it to the investigator.

In order to enhance community understanding of situations, the Precinct Commander will be notified so that they may determine the need for community notification and information dissemination.

**Notification Procedures when Deadly Physical Force is Used Against Bureau Members (1010.10)**

- a. The on-scene supervisor will ensure that the following are notified in all incidents that require Detectives involvement:
  1. Detectives
  2. The appropriate RU manager
  3. PIO
  4. EAP Coordinator
  5. DA's Office
  6. Union representation
- b. The RU manager is responsible for the notification of:
  1. The appropriate branch manager
  2. Chief
  3. The commissioner in charge
  4. DCA assigned to the Bureau
- c. This procedure applies to all incidents occurring both inside and outside the City, whether or not the member is on duty.
- d. If the incident occurs outside Portland while off duty, Detectives will act as the Bureau's liaison with the agency conducting the investigation and will offer investigative assistance.

**Supervisors Duties and Responsibilities when Deadly Physical Force is Used by an On or Off Duty Member During a Police action (1010.10)**

- a. While enroute, ensure that Detectives are notified that a member-involved use of deadly force has occurred.
- b. Upon arrival at the scene, and as soon as practical and safe after the use of deadly force has occurred, the supervisor will:
  1. Determine the condition of all involved members (including witnesses).

If ambulance transport is required, ensure that an uninvolved member is assigned to accompany the injured member to the hospital (in the ambulance). If an involved member is injured, requires treatment and does not require ambulance transport, an uninvolved member should be assigned

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- to transport the involved member to an appropriate facility.
2. Notify a representative of the appropriate bargaining unit that a member-involved use of deadly force has occurred. Notify the involved members that they have the right to have a union representative present through all stages of this process.
  3. Instruct the involved members and witness members to avoid extensive discussion of the incident among themselves or with any other person, except their immediate on-scene supervisor, union representative and private attorney, prior to being interviewed by a detective.
  4. Examine the weapons of the involved members and witness members before they are released from the scene (refer to "Supervisors Checklist"). The weapons, including SERT weapons, will be later retained by a detective and submitted for processing.
  5. Unless injured, do not release involved members and witness members from the scene without the approval of a detective. Approval may be obtained for members to wait at a nearby site (community contact office, business office, restaurant, precinct, etc.) as an alternative to waiting at the scene. This approval may be obtained by contacting a detective by phone or radio. Members expressing a strong desire to remain at the scene may, if conditions permit, do so until directed otherwise by a detective.
  6. Assign an uninvolved member to drive each involved member. Witness members may drive themselves. Whenever practical each involved member and witness member should be transported in a separate vehicle.
  7. Unless directed otherwise by a detective, upon release from the scene, instruct the involved members, witness members and drivers of the following:
    - a) Proceed to Detectives.
    - b) Involved members and witness members may be allowed to change into civilian clothes before traveling to Detectives.
    - c) Drivers should collect involved members uniform and all outer clothing (including duty belt) and retain as evidence until instructed otherwise by the detective in charge of the investigation. This instruction should be relayed to any uninvolved member that accompanied an injured involved member to the hospital.
  8. Instruct members and witness members to remain at Detectives until instructed otherwise or released from duty with the approval of the detective in charge of the investigation.

**Supervisors Checklist (1010.10)**

- a. While enroute, ensure Detectives are notified that a member-involved use of deadly force has occurred.

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- b. Upon arrival at the scene, and as soon as practical and safe after the use of deadly force has occurred, the supervisor will:
1. Determine the condition of all involved members. If ambulance transport is required, ensure that an uninvolved member is assigned to accompany the injured member to the hospital (in the ambulance). If an involved member is injured, requires treatment and does not require ambulance transport, an uninvolved member should be assigned to transport the involved member to an appropriate facility.
  2. Notify the appropriate bargaining unit. Notify the involved members that they have the right to have a union representative present through all stages of this process.
  3. Instruct the involved members and witness members to avoid extensive discussion of the incident among themselves or with any other person, except their immediate on-scene supervisor, union representative and private attorney, prior to being interviewed by a detective.
  4. Examine the weapons of the involved members and witness members (see "Weapon Examination" for instructions).
  5. Unless injured, do not release involved members and witness members from the scene without the approval of a detective. Approval may be obtained for members to wait at a nearby site (community contact office, business office, restaurant, precinct, etc.) as an alternative to waiting at the scene. This approval may be obtained by contacting a detective by phone or radio. Members expressing a strong desire to remain at the scene may, if conditions permit, do so until directed otherwise by a detective.
  6. Assign an uninvolved member to drive each involved member. Witness members may drive themselves. Whenever practical each involved member and witness member should be transported in a separate vehicle.
  7. Unless directed otherwise by a detective, upon release from the scene, instruct the involved members, witness members and drivers of the following:
    - a) Proceed to Detectives.
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    - c) Drivers should collect involved members uniform and all outer clothing (including duty belt) and retain as evidence until instructed otherwise by the detective in charge of the investigation. This instruction should be relayed to any uninvolved member that accompanied an injured involved member to the hospital.
  8. Instruct members and witness members to remain at Detectives until instructed otherwise or released from duty with the approval of the detective in charge of the investigation.

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**c. Weapon Examination**

**1. Primary Duty Weapon**

a) Personally inspect the weapon and count the number of rounds remaining in the weapon and the number of rounds in all magazines and/or ammo pouches. Return the weapon and all ammunition to the member.

b) Revolvers: Note the position of any live rounds in the cylinder.

**2. Secondary Duty Weapon:** Same as primary duty weapon.

**3. All other weapons used in a deadly force incident:** Take personal control of the weapon and maintain it in the condition in which it was found until it is turned over to a detective.

**4. Documentation:** Document all of the above actions in a Special Report.

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**1010.20 PHYSICAL FORCE, USE OF**

Index: Title

Refer: ORS 161.205 Physical Injury, defined

ORS 161.205 – 161.265 Use of Physical Force

**POLICY (1010.20)**

Per ORS, the Bureau authorizes its members to use physical force in a police action when and to the extent it is reasonably necessary to accomplish some official purpose. The amount of physical force authorized may vary in degree and shall only be the amount of force that is reasonably necessary, depending on the circumstances of each situation taken as a whole, to accomplish the official purpose. Use of excessive physical force in any situation is prohibited.

**PROCEDURES (1010.20)**

**Directive Specific Definitions**

Excessive physical force is any physical force used during a police action which is greater than that which is reasonable under the circumstances presented by each situation.

Official purpose is any purpose, undertaken in a police action, which is authorized by official orders, the Manual of Policy and Procedure, by law or by judicial decree.

Police action is any circumstance, on or off duty, during which a member exercises or attempts to exercise official authority.

Physical injury is as defined in ORS 161.005 (6), the impairment of physical condition or substantial pain.

Physical force is that force which is directed against a person and is readily capable of causing injury. Such force may be applied through the use of a person's body, weapons, equipment, and/or instruments.





BUREAU OF POLICE  
**GENERAL ORDER**  
 PORTLAND, OREGON



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Published Date: September 13, 1993

SECTION NO.: 1010.10

**SUBJECT: USE OF DEADLY PHYSICAL FORCE,  
 INCLUDING REPORTING REQUIREMENTS**

Revision No. 7

**INDEX:** Title; Firearms, Discharge Review; Firearms Policy; Force, Deadly  
 Physical; Reports - Requirements, Use of Deadly Physical; Review  
 Board, Firearms Discharge; Shooting, Cover Fire; Warning Shots;  
 Shooting at or from Vehicles; Altered Duty Assignment; Notification  
 Procedures when Deadly Physical Force is Used Against Bureau  
 Members; Deadly Physical Force Against Members

**REFER:** *Appendix A: Duties And Responsibilities When Deadly Physical Force  
 Is Used Inside Portland While On Or Off Duty During A Police Action*

*Appendix B: Duties and Responsibilities When Deadly Physical Force  
 Is Used While On Or Off Duty Outside Portland During A Police Action*

*Appendix C: Human Relations Factors*

*Appendix E: Notification Procedure When Deadly Physical Force is  
 Used Against Bureau Members*

*Appendix D: Use Of Deadly Force Inside Portland By A Member From  
 Another Jurisdiction*

G.O. 630.10 - Driving Responses Defined

G.O. 631.70 - Investigations of Animal Problems

G.O. 910.00 - Field Reporting Handbook Instructions

ORS 161.219 and 161.239 - Use of Deadly Physical Force

**ORS 161.015 (3) - Deadly Physical Force**

**ORS 161.015 (7) - Serious Physical Injury**

Unless problems are identified, this order will become effective on October 13, 1993.

**ATTENTION:** *Bold, italicized print indicates revisions from the last publication  
 dated January 30, 1990.*

**DEFINITIONS**

**Barriade:** *Per G.O. 630.10, Driving Responses, the intentional blocking of a  
 roadway, by any means, to stop a vehicle being pursued.*

**Covering Fire:** The authorized discharge of firearms in a tactical situation to neutralize the  
 use of deadly physical force by a suspect or suspects so that police or other persons can  
 maneuver safely.

**Deadly Physical Force, ORS 161.015 (3):** *Physical force that under the circumstances  
 in which it is used is readily capable of causing death or serious physical injury.*

**Use of Deadly Physical Force  
Including Reporting Requirements**

**Police Action:** Any circumstance(s), on or off duty, in which a sworn member of the Bureau exercises or attempts to exercise official authority.

**Probable Cause:** ORS 131.005(11): A substantial objective basis for believing that, more likely than not, an offense has been committed and a person to be arrested has committed it.

**Reason to Believe:** Refer to ORS 131.605(4) "Reasonably Suspects": Holding a belief that is reasonable under the totality of the circumstances existing at the time and place a police member acts.

**Serious Physical Injury, ORS 161.015 (7):** Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**Warning Shot:** The discharge of a firearm intended to disarm and stop a perpetrator in order to control a situation.

**POLICY**

The use of statutorily defined deadly weapons, barricades (as defined in G.O. 630.10) and vehicle ramming, constitutes deadly physical force. Also, depending upon how they are used, flashlights, batons, body parts, and other statutorily defined dangerous weapons may constitute deadly physical force.

The Bureau recognizes that members may be required to use deadly force when their life or the life of another is jeopardized by the actions of others. Therefore, State statute and Bureau policy provide for the use of deadly force under the following circumstances:

1. Members may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or *serious physical injury*.
2. A member may use deadly force to effect the capture or prevent the escape of a suspect where the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
3. And, if feasible, some warning has been given.

Members must be mindful of the risks inherent in employing deadly force.

A member's reckless or negligent use of deadly force is not justified in this policy or State statute.

Members are to be aware that the General Order is more restrictive than State statutes.

**OTHER AUTHORIZED USES FOR FIREARMS**

A member is also authorized to discharge a firearm in the performance of official duty under the following circumstances:

**Use of Deadly Physical Force  
Including Reporting Requirements**

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Animals: To kill or deter a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering.

Firing Range: At a firing range pursuant to all safety rules and regulations.

Covering Fire: A member may discharge a firearm in a tactical situation to neutralize the use of deadly physical force.

**SHOOTING AT OR FROM VEHICLES**

A member justified in using deadly physical force may shoot at, or from, a moving vehicle if, in the totality of the situation, the additional risks are clearly outweighed by the need to use deadly physical force.

**WARNING SHOTS**

Members will not fire warning shots.

**PROCEDURES**

**INVESTIGATIONS AND REPORTING**

All incidents involving the use of deadly physical force require that either the Detective Division or a supervisor respond and assume responsibility. Investigation and reporting responsibilities are presented in the appendices to this order. *Intentional use of deadly force cases and accidental discharge of firearms cases resulting in injury will be reviewed by the District Attorney's Office.*

CHARLES A. MOOSE



DAVE WILLIAMS  
Assistant Chief of Police

DW:DS/bd  
ORIGINATOR: Chief's Office

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APPENDIX A  
G.O. 1010.10  
3/93

**DUTIES AND RESPONSIBILITIES WHEN DEADLY PHYSICAL FORCE  
IS USED INSIDE PORTLAND WHILE ON OR OFF DUTY  
DURING A POLICE ACTION**

When deadly physical force is used on or off duty inside the City of Portland, the following procedures will apply:

**USE OF DEADLY PHYSICAL FORCE BY A BUREAU MEMBER**

Other than intentional firing at an approved range, members discharging firearms or using other deadly force as defined in this order will:

1. Notify an on-duty supervisor of the precinct of occurrence, as well as their own supervisor, if they are assigned to a precinct or division other than the precinct of occurrence. These notifications will take place as soon as possible.
2. Other than as described in Section 4, members will avoid extensive discussion of the incident with anyone involved in the incident prior to being interviewed by the detectives or supervisor.
3. In situations requiring Detective Division involvement, the involved member(s) will not drive vehicles following the incident. A Bureau member will drive them to the Detective Division.
4. During the investigation the member(s) will be provided the time to discuss the incident with their immediate supervisor(s) or Commander, Chaplain, TIC Team members, union representative, and a private attorney. The member(s) will then be asked to discuss the incident with the detectives. Following the discussion, the member(s) will be asked to submit to a tape-recorded interview. As per General Order 910.00, involved members will be required to file a report.

**WITNESSES TO THE USE OF DEADLY FORCE**

All Bureau members considered to be witnesses will be required to submit to an interview or complete a written report.

**NONINJURY AND/OR PROPERTY DAMAGE SITUATIONS**

Immediate supervisors will be responsible for investigating incidents involving the accidental discharge of firearms when:

1. It is determined that no one sustained physical injury;
2. When it is determined that ONLY property was damaged; or,
3. When an animal is intentionally destroyed under the guidelines of G.O. 631.70.

*This requirement does not prohibit a supervisor from requesting Detective Division assistance if the circumstances dictate such involvement.*

Prior to going off duty, the supervisor's investigation into the incident will be documented on an interoffice memorandum and sent through channels to the RU Commander. The memorandum will contain:

1. *An interview of all involved parties;*
2. *A sketch of the scene;*
3. *The weapon(s) involved;*
4. *If possible, the point of impact of all shots fired; and,*
5. *Any resulting damage to property.*

*In such cases the supervisor will determine if it is necessary for the weapon(s) to be submitted to the Crime Lab.*

In the absence of the member's immediate supervisor, these duties will be fulfilled by a supervisor of the precinct of occurrence.

#### INJURY AND INTENTIONAL USE OF DEADLY FORCE SITUATIONS

*The Detective Division will respond and assume investigative responsibility in incidents involving the use of deadly physical force in a police action or when anyone is injured as the result of a member's use of deadly force and when a member intentionally attempted to use deadly force against a person but no injury was sustained.*

*If the member's service weapon was used, the placement or rotation of the live and expended rounds will be noted/diagrammed (including type of ammunition) by the supervisor or designee. The weapon will be later retained by the supervisor or investigator and submitted for processing. Bureau-owned weapons (shotguns and SERT weapons) will be retained by the supervisor or investigator and submitted for processing.*

*The investigator or supervisor will obtain a replacement weapon for the member from the Training Division before the member is relieved from duty.*

#### DETECTIVE DIVISION RESPONSIBILITIES

Detectives conducting an investigation will be responsible for all investigative duties, including the completion of the Incident Report, scene sketches, evidence processing, and interviews of the member(s) and supervisors involved.

The report will include detailed information related to the weapon(s) involved; all shots fired and each shot's trajectory and point of impact (if determinable); and any injury to persons or damage to property. When complete, copies of these reports will be sent to the member's RU Commander.

All weapons involved in an incident resulting in injury or death will be taken into custody for submission to the Oregon State Police Crime Lab for appropriate testing. If the weapon cannot be returned to the member prior to the end of the interview, a replacement weapon will be provided prior to the member being relieved of duty. The investigator or supervisor will contact the Training Division for a replacement weapon. The investigator will submit all cases involving intentional use of deadly force and accidental discharges with injury to the District Attorney's Office for review.

### RESPONSIBILITY UNIT

#### Notification Procedures

The on-scene supervisor of members using deadly force will ensure that the following Bureau personnel are notified in all incidents that require Detective Division involvement:

1. The appropriate RU Commander
2. Public Information Officer
3. Chaplin
4. District Attorney's Office
5. Union representation

The RU Commander is responsible for the notification of:

1. The appropriate Deputy Chief
2. Assistant Chief
3. Chief
4. The Commissioner in charge
5. Deputy City Attorney assigned to the Police Bureau

#### Post Investigation Responsibilities

After the investigation is completed either by the RU supervisor or the Detective Division, RU Commanders will obtain copies of all reports and documents. These items, and a memorandum written by the RU Commander discussing the investigation, will be forwarded to the Branch Deputy Chief. The memorandum will contain the following information:

1. A narrative which briefly and concisely outlines the incident.
2. A conclusion which indicates whether the situation fall within the guidelines of the Bureau's policy and procedures.
3. A critique which describes the commander's opinion as to whether or not the situation was handled properly and, if not, how it could have been handled.
4. Recommendations related to policy, procedure and training.

Each level command will review and either concur with the report or make additional recommendations or suggestions.

### BRANCH DEPUTY CHIEF

The appropriate Branch Deputy Chief will review and forward copies of the reports to the Chief's Office Review Level Committee (comprised of the three Branch Deputy Chiefs, the Assistant Chief, and the RU Commander of the involved member(s)).

### CHIEF'S OFFICE REVIEW LEVEL COMMITTEE

The Review Level Committee will review the supervisory recommendations as to whether the use of force was accidental, justified or not justified. The involved member's Deputy Chief will create and forward a summary and recommendation report to the Assistant Chief of Police. *The Assistant Chief will forward the report to the Chief.* Action to be taken beyond the written report to the Chief will be determined on a case-by-case basis.

The written report to the Chief will be limited to a summary and a recommendation of the finding, but the committee will also examine the following factors as they apply to each incident:

1. Policy
2. Training
3. Supervision
4. Tactics
5. Equipment

### ALTERED DUTY PATTERN

*Immediately following the use of deadly physical force by a member or members of the Bureau which results in injury or death of another person or an officer, the member(s) directly involved will be excused from duty with pay for a minimum of three working days. Directly involved means those personnel who used deadly physical force or who were immediately present AND IN A POSITION TO OBSERVE THE USE OF the deadly force. Extension of this period shall be at the discretion of the Chief, or the Chief's designee, based on the recommendation of the RU manager.*

*During that period, the involved member(s) will consult with a psychologist or psychiatrist. The Chaplain's Office is available to assist in the selection of the psychologist/psychiatrist. The appropriate Branch Deputy Chief will be notified only that the consultation has occurred. The confidentiality of privileged communication between doctor/Chaplain and patient/client will apply.*

*If the use of deadly physical force does not result in injury or death to any person, the commanding officer of the member(s) directly involved shall have discretion to direct the member(s) to an altered duty assignment based on circumstances of the incident. If a member is excused from duty with pay under these circumstances, the required consultation, as described above, applies to the member.*

*An altered duty assignment with the same requirements as the use of deadly force may be utilized by a manager if, in the manager's judgement, a member has a need for the assignment following any traumatic incident.*

*While in an altered duty assignment, members will regularly contact their assigned unit and receive contact from their unit. Upon returning from an altered duty assignment, member(s) will have the opportunity to work with another member, as staffing levels allow (e.g., two-person district patrol.)*

#### DEPUTY CITY ATTORNEY ASSIGNED TO THE POLICE BUREAU

The Deputy City Attorney assigned to the Police Bureau will provide assistance as requested by Bureau personnel.

#### CHAPLAIN'S OFFICE

The Chaplain's Office will provide appropriate assistance to the personnel involved, their families (if such assistance is requested), and command personnel. Either the Chaplain or a member selected from the list maintained by the Chaplain's Office of those involved in similar police actions will respond to each incident *when a weapon is discharged at a member by a citizen or at a citizen by a member (whether or not any person is struck by a bullet) and any time a member's life is clearly endangered. This action will enable the Chaplain's Office to assess the likelihood of post traumatic stress affecting the member and the importance of initiating appropriate support.*

If the Chaplain is not available to respond, the *assigned Volunteer Chaplain will notify a TIC Team member who will respond.* The Chaplain, or member responding, is called to be available for counsel at the involved member's discretion.

The Chaplain or TIC Team member will *also* discuss with the member(s) involved any professional assistance and counseling that is available.



**DUTIES AND RESPONSIBILITIES WHEN  
DEADLY PHYSICAL FORCE IS USED ON OR OFF DUTY  
OUTSIDE PORTLAND DURING A POLICE ACTION**

*Members using deadly physical force will:*

1. *Notify the jurisdiction of occurrence.*
2. **NOTIFY A PORTLAND POLICE BUREAU ON-DUTY SUPERVISOR OF THE PRECINCT CLOSEST IN PROXIMITY TO THE SITUATION. THIS PERSON WILL ENSURE THAT THE BEST-SUITED SUPERVISOR IS ASSIGNED TO FOLLOW APPENDIX A REQUIREMENTS, WHICH INCLUDE NOTIFICATIONS, REPORTING TO THE SCENE, AS WELL AS SERVING AS A LIAISON.**
3. *The investigation will be conducted by the jurisdiction of occurrence, unless that jurisdiction requests that the Portland Police Bureau investigate. If the Portland Police Bureau is asked to investigate, the conditions in Appendix A will apply.*

*The Portland Police Bureau supervisor who is notified will:*

1. *Assure that the notifications in Appendix A occur.*
2. *Report to the scene of the incident if it has occurred in Multnomah, Washington, Clackamas Counties or Clark County, Washington.*
3. *The supervisor will act as the Bureau Liaison to the investigating agency and will assure that appropriate support is provided to the involved member.*
4. *Ensure that the other provisions of Appendix A are met.*

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**APPENDIX C  
G.O. 1010.10  
9/93**

### HUMAN RELATIONS FACTORS

*In addition to the requirements of Appendix A, when deadly physical force is directed at a person by a member of the Bureau or by a person at a member of the Bureau, the following guidelines will be adhered to:*

#### RU GUIDELINES:

1. *RU Command will insure that transportation is provided to the member's friends or family, if appropriate.*
2. *If the member is admitted to the hospital, the member's immediate supervisor will insure that a police member is placed outside the door of the member, if circumstances dictate such.*

#### DETECTIVES GUIDELINES:

*The member will be afforded the time and opportunity to notify friends or family about the incident. If the member is unable to do this, the Chaplain's Office, RU REPRESENTATIVES AND FRIENDS WILL DETERMINE WHO will assume that responsibility.*

#### CHAPLAIN GUIDELINES:

1. *If the member is unable to notify family and friends are not available, the Chaplain's Office will assume that responsibility.*
2. *The Chaplain, or designate, will maintain contact with the friend or family members at the hospital during the initial visit at the hospital to insure that their questions and concerns are met.*

#### BRANCH DC GUIDELINES:

1. *Within the first three days, contact the member to determine if needs are being met.*
2. *If after three days of altered duty, or after the grand jury has returned a finding, the member is not comfortable in returning to street duty, they will be:*
  - a. *allowed additional time off, as deemed appropriate*
  - b. *temporarily assigned to a support position*
  - c. *assisted in filing service-connected disability forms*

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**APPENDIX D**

**G.O. 1010.10**

**9/93**

**USE OF DEADLY FORCE INSIDE PORTLAND  
BY A MEMBER FROM ANOTHER JURISDICTION**

*On occasion, members from other jurisdictions take police action within the city limits of Portland. If such police action should result in the use of deadly physical force against a person, the Portland Police Bureau will normally be the investigating agency. The Detective Division will be responsible for the investigation.*

*The on-scene supervisor will assure that an on-duty supervisor of the police member's agency is notified. Unless there is some immediate need to seize weapons, the shooter(s) will be allowed to keep their weapon(s) until their agency supervisor arrives. Upon arrival, the agency supervisor will seize the firearm and, if necessary, surrender it to the investigator.*

*In order to enhance community understanding of situations and reduce fear, the Precinct Commander will be notified so that they may determine the need for community notification and information dissemination.*

**NOTIFICATION PROCEDURES WHEN DEADLY PHYSICAL  
FORCE IS USED AGAINST BUREAU MEMBERS**

**Notification Procedures:**

The on-scene supervisor of members using deadly force will ensure that the following Bureau personnel are notified in all incidents that require Detective Division involvement:

1. The appropriate RU Commander
2. Public Information Officer
3. Chaplin
4. District Attorney's Office
5. Union representation

The RU Commander is responsible for the notification of:

1. The appropriate Deputy Chief
2. Assistant Chief
3. Chief
4. The Commissioner in charge
5. Deputy City Attorney assigned to the Police Bureau

This procedure applies to all incidents occurring both inside and outside the City, whether or not the member is on duty.

If the incident occurs outside Portland while off duty, the Detective Division will act as the Bureau's liaison with the agency conducting the investigation and will offer investigative assistance.

PORTLAND POLICE BUREAU, HOMICIDE DETAIL INTERVIEW CHECKLIST:  
OFFICER-INVOLVED SHOOTINGS

CONDUCTING INTERVIEW OF THE INVOLVED OFFICER(S)

- 1. Involved officer(s) will be asked to submit to a tape recorded interview. If possible, all interviews should be tape recorded.
- 2. Interviews will be held at comfortable, appropriate locations. Do not use interview rooms that are normally used for suspect interviews.
- 3. Interview:
  - a. How was the call obtained or how did the incident begin. Include information about interviews with victims and witnesses, teletypes, roll call information, and information obtained from other sources.
  - b. Vantage points, observations, perceptions.
    - (1) If useful, have the officer utilize or draw a diagram to show the relative positions of participants, cover, evidence, etc.
  - c. Weapons involved:
    - (1) Describe the make, caliber, and number of rounds normally carried. Establish that the weapon carried was Bureau approved and if there were any modifications.
    - (2) Describe other weapons and tactics, if applicable.
    - (3) Document the number of shots fired and the distances the officer thinks were involved.
    - (4) Describe the backdrop. What was in the field of fire when the officer fired.
    - (5) Describe the possible points of impact.
  - d. Mental state of the officer at the time of the incident.
    - (1) How the officer felt and description of perceptions at the time of the incident.
    - (2) Describe, in depth, what lead to the decision to use deadly force.
    - (3) Describe any previous high stress incidents and what effect, if any, these had on the officer.
  - e. Force continuum.
    - (1) Were there any other options available short of the use of deadly force. Describe use of force continuum applied during the incident.

- f. Document the actions taken after the shooting / use of deadly force.  
(Handcuffing, medical attention, taking cover, radio broadcasts, etc.)
  
- g. Prior experience and training.
  - (1) Describe any experiences prior to the law enforcement career which may have relevance to the current assignment or incident.
  - (2) Cover the officer's total law enforcement experience and assignments.
  - (3) Describe any previous experiences similar to the current incident.
  - (4) Document specific training classes that the officer has taken that are applicable to the incident. (Officer survival seminars, edged weapons classes, etc.)
  
- h. Current shift assignment and work hours.
  - (1) Document the officers regular work pattern. (Shift, hours, days off, etc)
  - (2) Describe any deviation in the work pattern such as sick time, vacation or training.
  - (3) Document the hours of sleep prior to the incident.
  - (4) Establish whether or not the officer had used alcohol or medications prior to or during the shift. If yes, did it affect judgement or ability to perform duties.

## **CISD Outline (Mitchell Model)**

### **I. Introduction**

Objective:

To introduce everyone present and explain the process and set expectations and ground rules

Common Ground Rules:

Minimize interruptions (pagers, phones and leaving the room)  
Confidentiality  
No rank during CISD  
All participation is voluntary

### **II. Fact Phase**

Objective:

To allow participants to describe what their role was in the traumatic event. What did they do, see, and hear.

Prompts:

Play BOEC tape.  
What did you see or do?  
How did you hear about it?

### **III. Thought Phase**

Objective:

What thoughts the participant had during the event.

Prompts:

What were your first thoughts or immediate concerns?

### **IV. Reaction Phase**

Objective:

Identify the most traumatic aspect of the crisis for the participants.

Prompts:

What part of this event bothers you the most?  
What stands out as the most memorable moment?  
If you could erase one part without changing the outcome, which would it be?

## V. Symptom Phase

### Objective:

Identify symptoms of distress, physical and psychological, the participants have experienced as a result of the incident.

### Prompts:

Give examples of psychological, physical, emotional and behavioral changes.

What symptoms did you experience immediately after the event?

What symptoms did you experience during the first few days after the incident?

What symptoms are you still experiencing?

## VI. Teaching Phase

### Objective:

Normalizing the crisis reactions of the participants and teach basic personal stress management and coping techniques.

### Prompts:

List signs and symptoms that may arise.

Pass out teaching or informational material.

## VII. Re-Entry

### Objective:

Summarize the CISD process, answer any questions, and eat pizza!

### Helpful Tips

- Remember this is their CISD, not yours.
- Think about incorporating the radio tape at the beginning of the CISD.
- If you use the radio tape, give the primary participants an opportunity to review it just prior to the CISD.
- Try having the first officer on scene of the event talk first during the fact phase. Discuss his role before the CISD starts.
- Don't get stuck on following every aspect of the CISD outline. Often the Thought, Reaction, and Symptom phases run together.
- Encourage participation, but make it clear that anyone present can choose to be silent.
- Be available afterwards for follow-up discussions. Often participants want to talk after the CISD, sometimes one on one.
- Be prepared to make referrals.
- Include family members in each phase of the CISD.



- Most officers experience multiple traumatic events during their career and they often talk about those other incidents during a CISD.

## CRITICAL INCIDENT MANAGEMENT

CONTAIN and ISOLATE the THREAT PHYSICALLY and PSYCHOLOGICALLY

### A. INNER PERIMETERS:

Cover and Concealment	Tailored to Threat
Know Locations of Officers	Designate Arrest Team/Shooters
Roll Call on Shots Fired	Show of Force to Force Negotiations

### B. GATHER INTELLIGENCE:

Radio Information	First Arriving Officers
Witness Information	Criminal history, Parole/Probation,
Attempt to Corner Suspect	Neighbors, Etc.
	Constantly Evaluate the THREAT

### C. OUTER PERIMETER:

Tailored to Threat	Block Traffic and Pedestrians
Make it LARGE	Use Police Tape
Set up Emergency Vehicle Corridors, Keep them Clear	

### D. COMMAND POST:

Two Phone Lines Minimum	Fire Stations, Schools, Churches
Recorder/Log keeper	TV, Kitchen, Bathroom, Parking
Out of Line of Sight of Threat	No Walking Command Posts

### E. EVACUATION:

Flag Contacted Building with Police Tape  
Leave Doors Unlocked or SERT/SWAT will force anyway  
Get Phone Numbers of Where Evacuees will be  
Safe Route Out or Don't Evacuate  
Bus/Red Cross

### F. STAGING AREA

EMS/Fire/Reserves	PIO/Media
Mobilized Officers	Outside agencies
Relieved Officers Report Back to	Life Flight Helo L.Z.
Make sure O.P. know SAFE route to Staging Area	

DELEGATE A TEAM LEADER FOR EACH ABOVE FUNCTION.

CONTAIN - CONTAIN - CONTAIN

OREGON REVISED STATUTES  
TITLE 16. CRIMES AND PUNISHMENTS  
CHAPTER 161. GENERAL PROVISIONS  
JUSTIFICATION  
**ORS § 161.239 (2001)**

161.239. Use of deadly physical force in making an arrest or in preventing an escape.

(1) Notwithstanding the provisions of ORS 161.235, a peace officer may use deadly physical force only when the peace officer reasonably believes that:

(a) The crime committed by the person was a felony or an attempt to commit a felony involving the use or threatened imminent use of physical force against a person; or

(b) The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the peace officer or another person from the use or threatened imminent use of deadly physical force; or

(d) The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary; or

(e) The officer's life or personal safety is endangered in the particular circumstances involved.

(2) Nothing in subsection (1) of this section constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom the peace officer is not seeking to arrest or retain in custody.

HISTORY: 1971 c.743 § 28

**12.550 DISCHARGING OF FIREARMS BY POLICE PERSONNEL****Reference:**

Manual of Rules and Regulations - 1.23, 1.24, 1.25  
Ohio Revised Code Section 2901.01  
Procedure 12.545 - Use of Force  
Procedure 19.105 - Sick/Injured With Pay & Special Leaves  
Tennessee vs. Garner, 471 US 1 (1985)  
Standards Manual - 1.3.2, 1.3.3, 1.3.6, 1.3.7

**Policy:**

The most serious act in which a police officer can engage is the use of deadly force. The authority to carry and use firearms in the course of public service also carries with it the highest level of responsibility. Respect for human life requires that police officers exhaust all other reasonable means before resorting to the use of firearms and then only when an officer reasonably believes that such use of firearms is necessary to protect the officer or another from the risk of serious physical harm or loss of life.

In considering the use of firearms, understand that you are responsible for your acts and that you may be required to justify your acts in a court of law. The Hamilton County Prosecutor's Office will determine the legality of actions taken. You are not required to retreat in lieu of the justifiable use of deadly physical force.

The safety of innocent persons is of paramount importance. Where there is substantial risk to the safety or life of an innocent citizen, the safety of the citizen should take precedence over the apprehension of the suspect.

Police officers may not use deadly force merely to prevent escape in misdemeanor cases. The use of deadly force to prevent escape of felony suspects is constitutionally unreasonable except where the escape presents an immediate risk of death or serious physical harm to another.

Where the suspect poses no immediate threat of death or serious physical harm to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. If an officer uses unnecessary and/or excessive force, or acts wantonly and maliciously, he could be found guilty of assault, even of culpable homicide if he kills the person he is attempting to arrest.

At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display a firearm, with finger outside the trigger guard and have it ready for self-defense. The finger is only to be placed on the trigger when on target and ready to engage a threat.

Self-Defense: A police officer is authorized to use that force reasonably necessary to protect himself or others from death or serious physical harm at the hands of another.

- There must be an apprehension of real or immediate danger based on an overt and/or constructive act by another.

Warning Shots: Officers should only use warning shots if convinced a warning shot will possibly save a life or alleviate the need of taking a life. As with any shot an officer fires, the officer must know it will not endanger innocent bystanders. Supervisors should report and investigate warning shots as outlined in Section A.

Felonies: When all other reasonable means at the officer's disposal have failed, the use of firearms is authorized, only under the following circumstances, as a last resort to apprehend a fleeing felon:

- The officer has probable cause to believe the suspect has committed or is committing a felony, and
- The suspect presents an immediate risk of death or serious physical harm, either to the officer or another person if not immediately apprehended.
  - If possible, the officer will give verbal warning before using the firearm.
  - By itself, notification by Police Communications Section (PCS) resulting from a general information broadcast or computer query that a subject is wanted will not provide authority for the police officer to use a firearm.

All Other Felonies and Misdemeanors: In all other felonies or misdemeanors, police personnel will not fire shots even if the perpetrator attempts or succeeds in his attempt to flee.

**Juveniles:** A police officer will not discharge a firearm at a person known to be or suspected of being a juvenile (person less than 18 years of age) except under circumstances which come within the provisions of the self-defense policy.

**Moving Vehicles:** Officers shall not discharge their firearms at a moving vehicle or its occupants unless the occupants are using deadly physical force against the officer or another person present, by means other than the vehicle.

**Shots Fired at Animals:** An officer will use firearms only as a last resort or for protection of himself or others. Often, firing a shot at an animal will create a more dangerous situation than the animal itself. If possible, use one of the following alternative solutions:

- Call the Society for the Prevention of Cruelty to Animals (SPCA). This organization has equipment to handle most animals safely.
- In some instances, Cincinnati Zoological Society personnel will respond upon request.
- The use of department issued chemical irritant is effective on many animals.

**Information:**

The Police Chief has authorized a comprehensive review of critical firearm discharges by Department employees. A Critical Firearm discharge is defined as:

All shots fired by Department employees with the exception of:

- a) Beanbag Rounds
- b) Forty-millimeter foam rounds
- c) At Animals
- d) While Hunting
- e) Training Accidents when proper safety procedures were followed

The review will begin at the Police Chief's direction. If a criminal investigation is warranted, the review will commence after the completion of any criminal investigation or court proceedings into the matter.

To facilitate this process, the Police Chief has established a Firearm Discharge Board (FDB) to conduct all such reviews. The Board's review will include CIS and IIS investigative files and interviews of the principal CIS and IIS investigators. The review will be concluded within 90 days of commencement. The FDB will act as a quality control mechanism for all critical firearm discharges, with responsibility to return to the Police Chief all incomplete or mishandled shooting or firearm discharge investigations. The FDB will have the authority and responsibility to recommend to the Police Chief investigative protocols and standards for all critical firearm discharge investigations.

The core members of the board will consist of a CPD Command Staff Officer, the Director of Training, the affected Bureau Commander, the Police Department Advocate and an attorney from the Solicitor's Office. All appointments will occur on or about the first day of January and be effective for one year.

The Inspections Section Commander will serve as the chairperson of the FDB. The chairperson is responsible for coordinating all meetings and ensuring all relevant material compiled during any criminal or administrative investigation is reviewed. The chairperson is also responsible for submitting a written report to the Police Chief within the established timelines.

The Police Chief may appoint additional FDB members as needed. The Police Chief will appoint a replacement member in the event a board member retires, or is no longer able to fulfill membership duties. The Police Chief may disqualify a FDB member at anytime.

All efforts will be made to conclude reviews within the established timelines. If the Police Chief determines extenuating circumstances exist, the Police Chief may extend the established timelines.

Proceedings by the FDB are to be conducted informally, directed towards the issues of the appropriateness of Department policies and procedures, member's judgement, and the training adequacies with respect to the member's knowledge, skill, and resources. The chairperson will determine what evidence is relevant and reliable without regard for technical or formal rules of evidence. The chairperson will determine the need to call witnesses and may order witnesses to be separated during the review.

The chairperson will prepare a final report to the Police Chief that will become part of the investigation file. The report will include a description of the incident (including all uses of force), a summary and analysis of all relevant evidence, proposed findings and analysis to support those findings. In particular, the board will determine: a) whether all uses of force during the encounter were consistent with Department policy and training, b) whether the officer(s) involved employed proper tactics, and c) whether lesser force alternatives reasonably were available.

On or before the first day of February, the FDB chairperson will prepare and present to the Police Chief a summary report reviewing each closed critical firearm discharge from the preceding year. This report will include analysis of patterns and problems discovered during the review.

**Procedure:**

**A. Shots Fired**

1. Report all shots fired by police personnel to an on-duty supervisor immediately regardless of the circumstances. Personnel having knowledge of a shot fired by another officer will report the incident to an on-duty supervisor immediately. This includes:
  - a. Shots fired at or taking effect against an individual.
  - b. Warning shots.
  - c. Shots fired at animals.
  - d. Accidental discharges.
  - e. Shots fired from any firearm by off-duty personnel except:
    - 1) Target or competition shooting.
    - 2) Hunting.
    - 3) Military service.



2. Personnel are not required to report shots fired while participating in department authorized firearms training.
  3. The investigating supervisor will notify PCS.
  4. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.
- B. Shots Fired at Individuals and Accidental Discharges
1. The investigating district/section/unit supervisor will:
    - a. Ensure protection of the scene.
    - b. Notify PCS.
      - 1) PCS will notify the Criminal Investigation Section (CIS) Desk Officer who will make CIS notifies according to CIS SOP and then notify the appropriate personnel listed on the Situational Occurrences Notification List.
    - c. No one will take the officer(s') pistol or gunbelt at the scene. The officer(s') pistol will remain in his holster and the officer will wear his gunbelt until possession is transferred to a Homicide Unit supervisor.
      - 1) Under no circumstances will the officer(s') pistol be examined or unloaded. If safety is an issue, a Homicide Unit supervisor will be immediately contacted for instructions.
      - 2) If an officer(s) is transported to the hospital for treatment, a district/section/unit supervisor will respond and take possession of the officer(s') pistol and gunbelt. That supervisor will document date, time, location, and from whom the officer(s') equipment was obtained and contact a Homicide supervisor.

- 3) A supervisor will be assigned to take control of the officer(s) involved in a shots fired that take effect. They will remain at the scene. At the direction of a Homicide supervisor, district supervisor(s) will transport the involved officer(s) to CIS and remain with the officer(s) until relieved by a CIS supervisor.
    - a) No one will be permitted access to the officer(s') pistol or gunbelt without the approval/consent of a Homicide supervisor.
    - b) When multiple officers are involved, a separate supervisor will be assigned to each officer. If there is a need, request a supervisor(s) from another district(s).
  - d. Locate witnesses to the incident. If possible, separate the witnesses and have them held at or near the scene until they have conferred with a Homicide Unit supervisor or a Personal Crimes Unit supervisor. Ensure their transportation to CIS for interview by CIS and Internal Investigation Section (IIS).
  - e. Conduct a preliminary fact finding investigation at the scene.
    - 1) Do not publicly comment about the propriety of the action taken.
  - f. Brief Homicide Unit and IIS investigators.
2. The CIS Commander, Homicide Unit Commander, Personal Crimes Unit Commander, and IIS Commander will respond to the scene. The Homicide Unit Commander and IIS Commander will conduct independent, parallel investigations of the incident. The involved officer(s') unit of assignment will assist CIS and IIS with the investigation. The Major Offenders Unit Commander will respond to the hospital or Coroner's office if an injury or death has occurred.

3. Homicide Unit/IIS investigators will:
    - a. Conduct an investigation and report per their standard operating procedure (SOP). All investigations will include, to the extent possible, appropriate crime scene analysis, gunshot residue tests, and ballistic tests including bullet trajectory tests.
      - 1) Investigators will ensure, to the extent possible, that the investigation accounts for all shots and the locations of all officers who discharged their firearms.
    - b. Collaborate in preparing a Form 18F, Supervisor's Use of Force Investigation, without a conclusion, with Internal Investigations Section completing the Form 18F.
      - 1) The original Form 18F will remain with the involved officer's unit of assignment.
    - c. Immediately fax the Form 18F to the following locations:
      - 1) Police Chief's Office
      - 2) Internal Investigations Section
      - 3) Patrol Bureau
  4. The district/section/unit commander or acting commander will respond to the scene and coordinate the activities of the field personnel at the scene.
  5. IIS will respond and coordinate the Department investigations.
- C. Shots Fired at Animals
1. Notify PCS.
    - a. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.
  2. The investigating district/section/unit supervisor will complete a Form 18A, Supervisor's Preliminary Investigation: Weapons Discharge at an Animal.

- a. Fax the Form 18A to Inspections Section.
- 3. If the shots take effect, notify the SPCA to pick up the dead animal pending a later examination by the Board of Health.
- D. Personnel Injured by Department Authorized Firearms During Training Exercises
  - 1. The OIC will immediately notify PCS.
    - a. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.
      - 1) The command officer notified will determine IIS involvement.
  - 2. A Firearms Training Unit supervisor will investigate all firearms related, non-serious harm injuries:
    - a. That occur during firearms training.
    - b. Where all safety rules and procedures have been followed.
 

Example: A person is struck and injured by a piece of lead that has blown back from a target.
  - c. For reporting, refer to Procedure 19.105, Section E., Personnel Injured On Duty.
  - d. A Firearms Training Unit supervisor will immediately notify PCS for Situational Occurrences Notification and the Training Section Director of injuries which require medical attention at a hospital.
- 3. Life threatening or serious injuries, injuries due to intentional acts, or injuries that occur as a result of violations of safety rules and/or procedures:
  - a. Follow Section B. of this procedure.
  - b. If the incident occurs outside of the city limits, the criminal investigation will be made by the law enforcement agency in whose jurisdiction the incident occurred.
  - c. CIS may assist the law enforcement agency in its investigation.

E. Firearms Discharge Board

1. The Police Chief will review and forward to IIS the CIS investigation report, letter from the Hamilton County Prosecutor, and any other material deemed relevant to the Firearms Discharge Board (FDB). The FDB will issue its final report to the Police Chief within 90 days of receipt of the material.
2. Within 30 days of receipt of the material, the IIS Commander will notify and arrange a meeting between the FDB, CIS Commander, and investigators.
3. Recommendations made by the FDB should be unanimous or by consensus. If consensus can not be reached, a majority/minority opinion will be prepared at the direction of the chairperson. The report presented by the FDB will identify training issues, outline any recommended policy and/or procedure changes, and identify individual officer training needs and corrective measures. References to specific policies, procedures, or training will be included in all recommendations.

F. Loading and Unloading of Firearms for Inspection

1. Maintain a distance of 15 feet from the designated safe wall when unloading a firearm.
2. The OIC will give the command to form a line facing the safe wall and for officers to unload firearms at the same time. Firearms will be pointed towards the safe wall while unloading.
3. Once the firearm has been inspected, the OIC will give the command to reload.

12.536 FOOT PURSUITS

**References:**

Procedure 12.140 - Canine Operations  
Procedure 12.175 - Use of Special Weapons and  
Tactics Unit  
Ohio Revised Code 2921.31 - Obstructing Official  
Business  
Ohio Revised Code 2921.331 - Failure to Comply with  
Order or Signal of  
Police Officer  
Illinois v. Wardlow (2000), 528 US 119  
Terry v. Ohio (1968), 392 US 1

**Definitions:**

**Foot Pursuit:** A situation in which an officer, on foot, chases a suspect in an effort to detain or arrest that individual who he has reasonable suspicion to believe is about to commit, is committing or has committed a crime and who is resisting apprehension by fleeing from the officer.

**Suspect:** Includes any individual who a police officer reasonably believes is about to commit, is committing or has committed an offense or poses an immediate threat to the safety of the public, other officers, or themselves.

**Contact/Cover:** Describes the practice of having two or more officers working together during a foot pursuit. The officers work in unison via direct or indirect communication to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.

**Purpose:**

To facilitate the safe apprehension of a suspect who flees on foot and to prevent officer injury.

**Policy:**

Whenever an officer decides to engage, or continue to engage, in a foot pursuit a quick risk assessment must take place. They must evaluate the risk involved to themselves, to other officers, the suspect and the community versus what would be gained from pursuing the suspect.

**Procedure****A. Factors to Consider when Initiating a Foot Pursuit**

1. Whether the suspect is armed
2. The offense committed by the suspect
3. Location:
  - a. Nature of area: residential, commercial, school zone, expressway, etc.
  - b. Conditions of the structures: abandoned or condemned
  - c. Environmental factors: weather or darkness
4. Ability to apprehend the suspect at a later date
5. Communications
  - a. Familiarity with area, ability to transmit location of fleeing suspect
  - b. Radio frequency and coverage (dead spots)
6. Availability of backup units to assist

**B. Pursuing Officer(s) Responsibility**

1. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed as a result of the pursuit.
2. Once the foot pursuit has been initiated, the officer must notify Police Communications Section (PCS) of the following information:
  - a. Car number
  - b. Location
  - c. Direction
  - d. Description of suspect

- e. If armed with a weapon
  - f. Reason for foot pursuit
3. PCS will notify a supervisor of the pursuit circumstances and any other relevant information.
  4. The pursuing officer will coordinate with other officers to establish a perimeter in the area to contain the suspect.
    - a. In the event that a suspect is confined in an area, consideration should be given to the use of specialized units such as Canine Squad or SWAT Unit.
- C. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
1. Area containment
  2. Surveillance
  3. Obtaining additional officers
- D. Police Officer should Terminate a Foot Pursuit:
1. If ordered by a supervisor.
  2. If the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
  3. If the suspect's identity is known and he is not an immediate threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date.
  4. After termination of the foot pursuit, officers will notify Police Communications Section (PCS) with the last know location of suspect or point of apprehension.



E. Supervisor's Role

1. The supervisor's role is to monitor a foot pursuit and appropriately direct resources to safely apprehend the suspect.
2. The supervisor will terminate a foot pursuit at any time if it is determined the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.

**DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES**

<b>COLLINGSWOOD POLICE DEPARTMENT</b>	<b>EFFECTIVE DATE: 01-01-98</b>
<b>VOLUME TITLE: INTER-AGENCY PROCEDURES</b>	<b># PAGES: 07</b>
<b>PROSECUTOR REVIEW POLICY</b>	<b>REFERENCE: V5C6r</b>
<b>SUBJECT: FOOT PURSUIT PROCEDURES</b>	
<b>ISSUING AUTHORITY:</b>	
<b>CHIEF THOMAS J. GARRITY JR.</b>	
<b>ATTORNEY GENERAL, PROSECUTOR'S OFFICE REFERENCE</b>	

**POLICY:**

The foot pursuit of a fleeing person(s) is a very serious matter. When a police officer initiates a foot pursuit, he/she must consider many factors such as the nature of the offense or call, the area and location involved, communications, physical dangers, physical condition and abilities, the safety of the officer and the safety of the general public. Little if any formal training has been established in the area of foot pursuits. This policy is an attempt to establish formal guidelines to assist the officer in dealing with foot pursuits and the dangers associated with these pursuits.

While the risks involved with foot pursuits towards the general public is much less than in vehicle pursuits, the inherent risks to the officer is somewhat greater. The majority of foot pursuits involve a one on one situation with the officer and violator, often in isolated or unfamiliar surroundings. In addition, the officer is more likely than not, placing himself in a dangerous situation by following a fleeing person into a wooded area, building, structure, confined space or other isolated area. The officer is often less aware of his exact location, as he is focused on the fleeing person, making it difficult for other officers to locate the officer to render assistance in a timely manner. Numerous case studies exist involving officers being seriously injured during a foot pursuit, radioing for assistance and responding officers being unable to locate them immediately. In addition, statistics and case studies show a high rate of officers being assaulted, seriously injured or killed during foot pursuits.

A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense, violation or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the foot pursuit. The

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officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others. The officer must weigh the need for immediate apprehension against the risk created by the foot pursuit.

**PROCEDURE:**

The primary purpose of this policy is to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to guide a police officer's discretion in matters of foot pursuit.

This policy has been formulated to provide minimum requirements to direct the COLLINGSWOOD Police Department officer's activities in this very critical area of police practice. This policy shall serve as a guideline and will introduce a concept of "TEAM" cooperation in apprehending a fleeing person. It is the goal of this policy to help the officer in the event of a foot pursuit and to also minimize the dangers associated with foot pursuits.

Deciding whether to pursue a fleeing person is a critical decision made by law enforcement officers daily. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public safety and officer safety, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit or to terminate an ongoing foot pursuit based on the risk involved. Likewise, police officers who conduct pursuits consistent with this policy will be strongly supported by law enforcement community in any subsequent review of such actions.

**DEFINITIONS:**

- A. **Foot Pursuit:** The physical attempt by an officer(s) to detain, arrest or otherwise take physical custody of a person who attempts to flee on foot, without the aid of a vehicle or other motorized device.
- B. **Law Enforcement Officer:** Any person sworn to uphold the law who is certified by the Police Training Commission and who is currently employed by a public safety agency.
- C. **Supervisor:** A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.

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- D. **Violator:** Any person who a police officer reasonably believes: (1) has committed and offense enumerated in Section I, A of this policy or (2) poses an immediate threat to the safety of the public or other police officers.
- E. **TEAM Concept:** The practice of having two or more officers working in unison to apprehend a fleeing person on foot, working together via direct or indirect communications to coordinate their efforts, location and status.

**I. DECIDING WHETHER TO PURSUE**

A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense, violation or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others.

- A. Authorization of Pursuit
  - 1. A police officer may pursue
    - a. When the officer reasonably believes that the violator has committed a Criminal Offense, Violation or Motor Vehicle Violation that would permit the officer to detain, arrest or otherwise take custody of the violator.
    - b. When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.
- B. In the event that a foot pursuit is initiated, an officer must still consider the following factors:
  - 1. Likelihood of successful apprehension.
  - 2. Whether the identity of the violator is known to the point whether later apprehension is possible.

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3. Degree of risk created by pursuit:
    - a. Nature of the area: residential, commercial, school zone, open highway, etc.
    - b. Conditions of the structures, such as abandoned or condemned buildings.
    - c. Population density and volume of pedestrian traffic.
    - d. Environmental factors such as weather and darkness.
  4. Police Officer characteristics:
    - a. Physical conditioning and abilities
    - b. Familiarity with area
    - c. Communications
- C. Terminating the pursuit
1. The pursuing officer shall terminate the foot pursuit:
    - a. If instructed to do so by a supervisor, or
    - b. If the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator, or
    - c. If the violator's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers, or
    - d. If the violator's location is no longer known, or
    - e. If there is a person injured during the foot pursuit and there are no police or medical personnel able to render assistance, or
    - f. If loss of communications occurs, or
    - g. If advised of any unanticipated condition, event or circumstance which substantially increases the risk to public safety inherent in the pursuit.

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2. When the pursuing officer terminates the pursuit he will immediately notify communications of such, giving his location of termination.

**II. ROLE OF THE PURSUING OFFICER**

- A. The decision to initiate and/or continue a pursuit requires weighing the need to immediately apprehend the violator against the degree of risk to which the officer and others are exposed as a result of the pursuit.
- B. Once the pursuit has been initiated, the primary officer must notify communications and a superior officer providing as much of the following information as is known:
  1. Reason for the pursuit.
  2. Direction of travel, area designation and/or location of roadway.
  3. If known, the identification of the violator, or a description to include physical features, clothing, possible weapons and other identifying characteristics.
  4. Number of fleeing violators.
  5. Other information that may be helpful in terminating the pursuit or resolving the incident.
- C. The primary officer will immediately, directly or indirectly via communications, coordinate with secondary officers to establish a perimeter in the area to contain the violator, following the below procedures:
  1. The primary officer should not attempt to overtake the fleeing violator, rather keeping him in sight until a proper perimeter can be established by secondary units, employing the "TEAM" concept to apprehend the violator.
  2. In the event that a violator enters into a building, structure, confined space, wooded area or otherwise isolated area, the primary officer shall radio his location, standing by on the outside of the structure, building, confined

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3. space, wooded area or otherwise isolated area, awaiting the arrival of secondary units to establish an outer perimeter around the area.  
OFFICERS ARE NOT TO PURSUE VIOLATORS INTO ANY OF THE ABOVE AREAS ALONE. WITHOUT AN ESTABLISHED PERIMETER AND AUTHORIZATION BY A SUPERVISOR.
4. In the event that a violator is confined within one of the above areas and is not compliant, consideration should be given to the use of specialized units such as a K-9, or when warranted, such as in suspected armed violators, the use of the Zone #1 Critical Response Team, as determined by a supervisor, to bring about the apprehension of the violator.

**III. FOOT PURSUIT RESTRICTIONS**

- A. No pursuits will be conducted
  1. Into buildings, (vacant or occupied), structures, confined spaces, or into wooded areas or otherwise isolated locations, without using the "TEAM" concept and authorization by supervisor, or in the event of extreme urgency, such as the immediate threat to the safety of officers or others.
  2. If the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension.
  3. If the officer is disarmed or losses possession of his/her weapon.
  4. If the officer losses contact with communications for any reason.
  5. If the officer losses visual contact with the violator and is unsure of his whereabouts or continued direction of travel, commonly known as "running blindly" after the violator.

**IV. ROLE OF THE SUPERVISOR**

Upon being notified or becoming aware of the foot pursuit, the supervisor shall decide as quickly as possible whether or not the foot pursuit should continue.

- A. The supervisor shall permit a foot pursuit to continue if

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1. There is a reasonable belief that the violator has committed a Criminal Offense, Violation or Motor Vehicle Violation that would permit the officer to detain, arrest or otherwise take custody of the violator, or
  2. There is a reasonable belief that violator poses an immediate threat to safety of the public or other police officers.
- B. The supervisor shall order a foot pursuit terminated at any time if he or she concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.
- C. The supervisor shall ensure, for the duration of the foot pursuit, that this policy and agency procedures are followed by all officers.

**V. COMMUNICATIONS CENTER RESPONSIBILITIES**

- A. Upon notification that a foot pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the foot pursuit (when possible).
- B. Communications personnel shall carry out the following activities and responsibilities during the pursuit:
1. Receive and record all incoming information on the foot pursuit and the pursued violator;
  2. Control all radio communications and clear the radio channels of all nonemergency calls;
  3. Obtain criminal record and warrant checks of the suspects;
  4. Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor;
  5. Notify neighboring jurisdictions, where practical, when the foot pursuit may extend into their locality; and
  6. Provide copy of communications tape to the Chief's Office.



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**VI. REINSTATING PURSUITS**

- A. Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

**VII. INTER-JURISDICTIONAL PURSUITS**

- A. The original pursuing jurisdiction shall provide timely notification of a foot pursuit in progress to any other jurisdiction into which the pursuit enters.

**VIII. FOOT PURSUIT REVIEW**

- A. Foot Pursuit incidents will be reviewed for compliance with applicable policy and department operating procedures.
- C. Foot Pursuit incidents will also be reviewed to identify the need for remedial training of individual officers or specific areas of emphasis in agency-wide training regarding foot pursuit situations and the application of foot pursuit policies and procedures.

**IX. TRAINING**

- A. All officers will attend in-service foot pursuit training twice annually. This in-service training shall be held simultaneously with use of force training which is provided in the firearms requalification process.
- B. Foot pursuit training shall consist of knowledge of applicable statutes, familiarization with police foot pursuit policy and departmental procedures, and decision making skills.

REV. 11-2002

## 105.00 USE OF FORCE

## 105.00 Use of Force Policy

## (1) POLICY:

The Denver Police Department recognizes that the duties of a peace officer may require officers to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State and Local laws shall govern use of force by officers.

The level of force applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

Officers who use force as described in the Colorado Revised Statutes or the Operations Manual of the Denver Police Department must immediately report the circumstances to a command or supervisory officer and comply with all reporting requirements.

An officer who witnesses inappropriate, unnecessary, unreasonable or excessive use of force by another officer shall report it immediately to a command or supervisory officer.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty Denver Police Department command or supervisory officer as soon as the situation is stabilized. An exception to the requirement of reporting to an on duty supervisor or command officer may be granted by the Chief of Police for major events involving off duty officers. If an exception is granted a supervisor or command officer working the event may be allowed to fulfill the reporting requirements.

Officers are responsible to ensure that medical treatment is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

## (2) STATE STATUTES

- a. Colorado Revised Statutes 18-1-707 states in pertinent part: Use of physical force in making an arrest or in preventing an escape:

"(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest or prevent the escape from custody, of a person whom he reasonably believes:

- (i) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
- (ii) Is attempting to escape by the use of a deadly weapon; or
- (iii) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(3) Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain custody.

(4) For the purposes of this section a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts and circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid."

- b. 18-8-803: The community expects and the Denver Police Department requires that peace officers use only the force necessary to perform their duties. Colorado law mandates the same and holds an officer accountable to do so in CRS 18-8-803 which states in part:

*"(1)...a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen."*

*"(2)...'excessive force' means physical force which exceeds the degree of force permitted pursuant to 18-1-707 (Use of force in making an arrest or in preventing an escape). The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest."*

- a. 18-8-802: The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. The Colorado Revised Statutes 18-8-802 states in part:

*"(1)(a) A peace officer who... witnesses another peace officer... use physical force which exceeds the degree of physical force permitted pursuant to 18-1-707 [Use of force in making an arrest or in preventing an escape] must report such use of force to such officer's immediate supervisor."*

*"(1)(c) Any peace officer who fails to report such use of force in the manner prescribed commits a class 1 misdemeanor..."*

(3) CASE LAW

- a. Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin v. People, 22 Colo. 496, 45 P. 419).

Law enforcement officers are permitted to use force to effect an arrest only to the extent that it is "objectively reasonable" under the circumstances (Graham v. Connor, 490 U.S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

(4) PERTINENT CONCEPTS AND DEFINITIONS

- a. Definitions:

1. Reasonable Belief – When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
  2. Deadly Physical Force – That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
  3. Bodily Injury – “Physical pain, illness, or any impairment of physical or mental condition.”
  4. Serious Bodily Injury – “Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.”
- b. Types of Resistance
1. Psychological Intimidation – Non-verbal cues in attitude, appearance, demeanor or posture that indicate an unwillingness to cooperate or a threat.
  2. Verbal Non-Compliance – Verbal responses indicating an unwillingness to comply with officer’s directions or threat to injure a person.
  3. Passive Resistance – Physical actions that do not prevent the officer’s attempt to control, for example, a person who remains in a limp, prone position.
  4. Defensive Resistance – Physical actions that attempt to prevent officer’s control including flight or attempt to flee, but do not involve attempts to harm the officer.
  5. Active Aggression – A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
  6. Aggravated Active Aggression – Deadly force encounter.
  7. Psychological Intimidation, Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.
- c. Factors to determine “objectively reasonable” force options.
1. The reasonableness of an officer’s use of force is based upon the totality of the circumstances known by the officer at the moment the force is used.
  2. The following five (5) basic factors are considered when determining “reasonableness”. Bearing in mind that the standard is “totality of the circumstances,” these five (5) factors are not the only factors to be considered. The following have not been placed in a specific order of priority.
    - (a) Imminent threat of injury to officers and/or others. The greater the level of the threat, the greater the level of force that may be used.
    - (b) If the person is actively resisting seizure, the officer may escalate the justified (reasonable) level of force.
    - (c) Circumstances are tense, uncertain, and rapidly evolving. Some incidents take hours to resolve, while others are over in seconds. The more tense, uncertain and rapidly evolving the incident, the higher the level of force that may be reasonable.
    - (d) The more severe the crime, the more force that may be justified.
    - (e) Attempting to evade seizure by flight may justify escalating the level of force.

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3. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.
- d. Use of Force/Control Options
1. The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
- e. The following list is not intended to suggest the order in which the various categories of force should be used in any specific situation:
1. command presence
  2. voice
  3. hand control
  4. chemical agent
  5. hand strike, leg thrust / kick
  6. baton / impact instrument
  7. carotid restraint technique
  8. R.I.P.P. restraint devices
  9. less lethal weapons
  10. deadly force
  11. police service dog

#### 105.01 Use of Force Procedures

##### (1) DUTY TO REPORT

Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the Denver Police Department Operations Manual and the Colorado Revised Statutes have been followed.

- a. The Use of Force Report and related supervisory investigation and reports are required in an of the following circumstances: An officer discharges a firearm other than in training or for bona fide recreational purposes. A person is injured or dies while in custody. See OMS 301.13, In-Custody Incident Investigations and OMS 301.14(8), In-Custody Death Investigations.
1. A person is injured or complains of injury as a result of use of any physical force including the use of any weapon, chemical agent or deployment of a Police Service Dog.
  2. A defendant is charged with resistance and/or assault to a police officer.
    - (a) In any case of assault on a police officer, "Investigation of Assault" will be charged. The suspect should not be charged with resistance or any additional charges at this time, however, a General Sessions Summons and Complaint containing any additional charges is to be made describing details of the incident. Upon completing the GSS&C, the "service" area will be left blank and the form will be forwarded to the Assault Unit along with all necessary paperwork.
  3. An officer encounters an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer.

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4. An officer applies force through use of the following, whether an arrest is or is not made:
  - (a) Any tool, object or device used as an impact weapon.
  - (b) Carotid control hold.
  - (c) Chemical agent.
  - (d) Pepper Ball.
  - (e) ERD (taser).
  - (f) Shotgun or 40 mm less lethal round.
  - (g) Police service dog.
  - (h) Hand strike, leg thrust / kick.
  
- b. The primary involved officer will prepare DPD Form 12, Report of Use of Force / Injury Prior to Arrest (UOF/I), paying particular attention to the facts of the incident. The report shall include:
  1. An accurate description of the incident using the coded tables and text boxes on the UOF form, and
  2. Names of all involved officers, suspect(s) and witnesses. Additional forms will be used as continuation pages. Only those sections applicable need be completed on continuation pages, and
  3. A narrative summary of the significant facts of the incident which are not listed on the front of the form.
  
- c. The officer's supervisor shall respond to the scene and shall personally contact the officer immediately after the incident. The supervisor will interview witnesses and suspects, collect evidence and take photographs when appropriate. The supervisor will assist in preparing the UOF Report, paying particular attention to the facts of the incident. When indicated, supervisors shall counsel officers in methods to better handle future situations to avoid or minimize the use of force.
  
- d. Each resistance, injury prior to arrest and injury while in custody incident will require the supervisor to conduct an independent and complete investigation and prepare and distribute written reports and documents the minimum guidelines for which are described below:
  1. The supervisor's conclusion that the details of the incident and facts contained in the UOF Report are accurate, and
  2. Names and statements of all witnesses, and
  3. A narrative summary of any significant facts determined through investigation, and
  4. The supervisor's conclusions that:
    - (a) The UOF and all reporting requirements were performed within policy or
    - (b) One or more policy or procedure may have been violated, citing the specific Operations Manual Section. If the supervisor finds that violations may have occurred, his/her commanding officer will be immediately notified and will determine the appropriate course of action regarding additional investigation, contact of IAB, etc.
  5. When investigating a UOF incident involving deployment of the ERD/Taser, the supervisor must recover and place into the Property Bureau the Taser probes and identification confetti. Only medical personnel will be allowed to remove probes from individuals struck by the ERD/Taser. Data from the ERD/Taser shall be downloaded into a computer file and the results shall be documented as part of the use of force investigation.
  6. The Report of Use of Force / Injury Prior to Arrest, DPD Form 12, shall be promptly distributed as follows:

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- (a) The original report, along with all original statements, copies of other reports and photos, shall be forwarded to the Internal Affairs Bureau in a sealed envelope.
  - (b) One copy shall be forwarded to the officer's Division Chief.
  - (c) One copy shall be forwarded to the officer's Bureau or District Commander, through the chain of command.
7. Supervisory or command officers performing secondary employment SHALL NOT investigate use of force incidents or injury prior to arrest incidents involving themselves or any officer performing secondary employment under their supervision. On-duty personnel shall be summoned for this function (see 105.00(1)(i) above).
  8. Any supervisory or command officer who investigates any incident involving any officer engaged in secondary employment must inspect the off-duty officer's REQUEST FOR SECONDARY EMPLOYMENT APPROVAL, DPD 149, and document the results.
  9. Supervisors and Command officers SHALL NOT investigate use of force incidents in which they are personally involved.
  10. If the involved employee is a member of the Denver Sheriff's Department, a supervisor from that agency will be requested via radio to respond to the scene and complete the appropriate reports required by that agency. Denver Police officers will assist with witnesses and/or statements if requested; however the reporting requirements will be the responsibility of Denver Sheriff's personnel.
  11. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 403.01(9).

(2) DUTY TO REQUEST MEDICAL ATTENTION

- a. Any time there is an injury or an alleged injury as a result of force used by department personnel or an officer encounters an individual with obvious injuries and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from the contact with the officer, the involved officer(s) shall:
  1. Visually examine any person claiming injury, request medical attention and immediately notify a supervisor. When an individual is struck with a less lethal weapon or an impact tool/device or sprayed with a chemical agent, an ambulance shall be called to the scene of the incident to examine the person at the earliest and safest opportunity. Medical personnel will determine whether further medical attention is required.
  2. Any prisoner suffering from any illness, injury or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center for treatment.
  3. It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility.
  4. Violent behavior may mask dangerous medical conditions; therefore, detainees shall be continuously monitored and provided with medical treatment, if needed.

105.02 Less Lethal Force and Control Options

(1) POLICY:

The primary duty of police officers is to protect the public, themselves and other officers. Less lethal force and control options may assist officers in performing these duties, but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.

(2) LESS LETHAL OPTIONS

The Denver Police Department authorizes the use of Electronic Restraints Devices (ERD)/TASER,

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Pepper Ball deployment systems and 12-gauge and 40mm beanbag projectile systems to be carried by certain officers in their normal duty assignments.

(3) LESS LETHAL WEAPONS DEFINITIONS

- a. Less lethal: A concept of planning and force application which meets an operational or tactical objective, with less potential for causing death or serious injury than conventional more lethal police tactics.
- b. Less lethal weapon: Any apprehension or restraint device approved for carry which, when used as designed and intended has less potential for causing death or serious injury than conventional police lethal weapons. Less lethal weapons include Electronic Restraints Devices (ERD/TASER), Pepper Ball deployment systems, less lethal 12 gauge shotguns and 40mm projectile systems and others as approved by the Chief of Police.
- c. Less lethal officer: An officer trained in the principles of less lethal force and the use of less lethal weapons who is authorized by the Department to carry and deploy one or more of the weapons in the performance of their duties.
- d. Less lethal shotgun: Department approved 12-gauge shotgun with a cylinder bore eighteen-inch barrel. The shotgun has a high visibility stock and fore-end and is equipped with rifle sights.
- e. 12-gauge beanbag projectile: Department approved low and high velocity projectile. The beanbag projectile is a lead-shot-filled fabric bag designed to be non-penetrating and to deliver its kinetic energy over a broad surface area.
- f. 40mm Grenade Launcher: Either a single round or multi-launcher, department approved, with fixed stalk and rifle barrel.
- g. 40mm Beanbag Projectile: Department approved projectile. The projectiles authorized for Department use include a 60-cal. stinger or rubber ball projectile, wood baton round and sponge round.
- h. ERD/TASER: Advanced Taser M-26 ERD (Electronic Restraint Device) which uses a 26-watt electrical signal to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the M-26 to physically debilitate a target regardless of pain tolerance or mental focus.
- i. Pepper Ball System: Air-Powered launch device, and projectiles that are plastic spheres filled with powdered or liquid 5% Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.

(4) LESS LETHAL WEAPON PROCEDURES

The authorization to carry a less lethal weapon is a privilege and can be revoked at any time, for any reason by the officer's commander with approval of the officer's Division Chief or higher.

- a. Officers will be selected, trained and certified as less lethal officers and alternates. Only less lethal officers and alternates are authorized to display, carry or deploy any less lethal weapon. When vacancies occur among the ranks of less lethal officers, they will be filled by designation of an officer from the alternate pool. Selection of less lethal officers and alternates will be based on the following criteria:
- b. Minimum qualifications
- c. Officers must be selected by their commanding officer and approved by their Division Chief.
  1. Officers must attend and pass a mandatory training course, an annual in-service course and periodic qualification conducted by Firearms Section personnel. The formal updated training curriculum and list of qualified officers will be kept on file at the Training Bureau.
  2. Less lethal certified officers who fail to qualify with their firearm two or more quarters in a twelve-month period shall be removed from the less lethal program. It is the responsibility of the officer and the supervisor of the Firearms Section to notify the officer's commander and the officer's Division Chief verbally and in writing of the failure to qualify as required by this section.



3. Violations of this policy may result in revocation of the privilege to carry a less lethal weapon.
- d. Storage and issuance of less lethal weapons.
  1. Storage
    - (a) All Less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of only less lethal weapons.
  2. Issuance
    - (a) The less lethal shotgun will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
    - (b) The ERD/TASER will be issued to qualified officers by a designated armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor.
    - (c) Field Force Squad or Zone commanders may issue Pepper Ball deployment systems and less lethal shotguns or 40mm projectile systems to qualified personnel assigned to each squad.
    - (d) All available less lethal weapons will be issued at the beginning of each shift provided sufficient numbers of qualified officers are on duty and returned at the end of the officer's shift to an armory officer or a supervisor.
    - (e) Qualified officers may not decline to be issued, carry or deploy less lethal weapons.
- e. Carrying and deployment of less lethal weapons
  1. Personally owned less lethal weapons are prohibited and shall not be authorized for use.
  2. Officers or supervisors will determine when less lethal weapons are to be deployed. Officers deploying a less lethal weapon usually serve as cover officers only. Less lethal officers shall not perform any other duties, such as searching or handcuffing, until their weapon is secured. Planning and communication between officers and supervisors is important when making deployment and strategy decisions.
    - (a) The Less lethal shotgun is to be carried in the trunk of the police car with an empty chamber with the safety on and magazine loaded with four (4) rounds of Less lethal ammunition.
    - (b) When deployed, the ERD will be carried on the belt in the issued holster, worn on the side opposite the firearm. When not worn, the ERD will be secured in a locked vehicle, not visible to passers-by.
    - (c) Pepper Ball guns may be authorized by Field Force Commanders for use during field force operations and major crowd control events. Subject to availability certified supervisors or officers may carry the Pepper Ball gun while on patrol.
    - (d) Officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
  3. Less lethal shotgun or 40mm projectile deployment:

- (a) Use of a less lethal shotgun or the 40mm projectile will be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.
  - (b) Acceptable uses of a less lethal shotgun or 40mm projectile include:
    - 1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances and it is reasonable and necessary in order to attempt to avoid having to use deadly force. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
    - 2. As a defensive weapon option in situations where it is likely to prevent an officer or a third person from being seriously injured or killed. OR
    - 3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
  - (c) Unless deadly force is warranted, an officer shall not intentionally deploy the less lethal shotgun projectile or 40mm projectile
    - 1. To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.
    - 2. To a pregnant female, (if the officer has knowledge of the pregnancy).
  - (d) When practicable, officers shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
  - (e) The use of the less lethal shotgun and the 40mm projectile shall be reported as an impact use of force. In the case of a serious bodily injury or death the use shall be investigated as outlined in 105.03 "Shooting by and/or of Police Officers."
  - (f) Immediate medical treatment is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
4. Pepper Ball System Deployment
- (a) Use of the Pepper Ball projectile shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes.
  - (b) Acceptable uses of the Pepper Ball projectile may include:
    - 1. To incapacitate combative or physically resistive persons to the point where they can be controlled and taken safely into custody.
    - 2. In situations when its use is likely to prevent an officer or a third person from being injured.
    - 3. When ordered by the field force commander or other command officer in crowd control or riot situations.
  - (c) Unless deadly force is warranted, an officer shall not intentionally deploy the Pepper Ball projectile as follows:
    - 1. To the head, eyes, throat, neck, breasts of a female, genitalia or spinal column.

2. To a pregnant female, if the officer has knowledge of the pregnancy.
  3. On or in an open wound if the officer has knowledge of the open wound.
- (d) Officers shall communicate to other officers that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- (e) Immediate medical treatment is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
5. Less lethal ERD/TASER Deployment
- (a) Use of an Electronic Restraint Device (ERD/TASER) shall be considered a use of force and must meet the requirements of all department policies and procedures and the Colorado Revised Statute.
- (b) Acceptable uses of the ERD / TASER include:
1. To incapacitate a combative or physically resistive person whose conduct rises at least to the level of Active Aggression. The purpose is to neutralize the person to the point they can be safely controlled and taken into custody. This use of force option becomes necessary when other force options would be inappropriate or ineffective under the circumstances. (Active Aggression is defined as a threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.) OR
  2. In situations when its use is likely to prevent an officer or a third person from seriously bodily injury, OR
  3. To incapacitate a suicidal person who cannot be safely controlled with other force options.
- (c) Unless deadly force is warranted, officers shall not intentionally deploy the ERD / TASER as follows:
1. To the head, eyes, throat, neck, breast(s) of a female, genitalia or spinal column.
  2. To a pregnant female, if the officer has knowledge of the pregnancy.
  3. On an open wound, if the officer has knowledge of the open wound.
- (d) Officers will not use the ERD/Taser in the following situations:
1. Near flammable gases or liquids.
  2. Drug houses where ether or other flammable chemicals are suspected.
  3. No officer shall playfully, maliciously, or intentionally misuse or display the ERD/Taser.
- (e) Officer shall communicate to other officers and the subject that they are about to discharge a less lethal weapon prior to its use or clearly and audibly announce the same to officers in the immediate area unless urgent circumstances prevent this from occurring.
- (f) Immediate medical treatment is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

- (g) Medical treatment is required whether the subject is shot with probes or the ERD / TASER is used as a contact stun device. Only medical personnel will be allowed to remove probes from individuals shot with the ERD/TASER.
  - (h) Probes and identification confetti will be recovered and placed in the Property Bureau by the supervisor conducting the Use of Force investigation.
  - (i) Data from the M26 Taser shall be downloaded into a computer file and the results shall be documented as part of the Use of Force investigation.
- (5) **IMPACT TOOLS/DEVICES:** Include the Department approved police baton, sap, billy club, flashlight and O.P.N. listed below when used as an impact device.
- a. Impact tools/devices authorized for carry or use include:
    - 1. Police Baton:
      - (a) Standard issue 29 inch baton.
      - (b) Standard issue 36 inch riot baton.
      - (c) Commercially manufactured or custom made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
      - (d) The Monadnock model MX, black, 12 inch to 26 inch, is an approved expandable baton which is not issued, but authorized for carry and use upon successful completion of specialized training.
      - (e) Batons with ornate carvings or a metal ball attached to either end are not authorized.
    - 2. Flashlight: Any commercially manufactured flashlight, black in color, up to the standard 3-cell size, not to exceed a length of 13 inches nor a diameter of 3 inches.
    - 3. Sap: Any commercially manufactured beaver-tail sap, black leather with smooth finish, not to exceed a length of 12 inches nor a width of 3 inches.
    - 4. Billy club: Any commercially manufactured or custom club, made of wood or composite material, not iron or steel, designed to fit in the sap pocket, not to exceed a length of 12 inches nor a diameter of 2 inches.
    - 5. Prohibited Items: All other devices including but not limited to sap gloves, brass knuckles, yawara sticks, iron claws, shirkins, ropes, and non-Department issued leg restraint devices, including rope or cord hobbles (refer to OMS 111.03), are not authorized for carry.
  - b. Impact Tool/Device - General Guidelines:
    - 1. If a person resists non-violently (passive non-compliance), the impact tool/device may be used only to apply come-along/escort-compliance holds. A person, who remains non-violent, will not intentionally be struck with the impact tool.
    - 2. If a person forcefully resists and/or attacks an officer or other person, an officer is permitted to strike the person with an impact tool/device, provided the officer uses reasonable care to confine such strikes and power levels, to areas of the body which, if struck, are not intended or likely to cause serious bodily injury.
    - 3. The head and neck shall not be intentionally struck with the impact tool/device, unless the officer is justified in using deadly force.
    - 4. Impact tools/devices shall be maintained in serviceable condition and shall not be modified, altered or fitted with any unauthorized add-on device in any way that is not approved in writing by the Department. They may be marked with the officer's serial number but shall not be marked or adorned in any other fashion.
    - 5. Defective, broken, or altered impact tools shall not be carried.

- (a) An officer who discovers an impact tool/device that is unserviceable must immediately cease carrying the item and, if issued by the Department, promptly submit a written request for replacement through the chain of command.
  - (b) All officers shall receive the designated training on each impact tool or device that they intend to carry before carrying the tool or device on or off duty. The mandatory training will be recorded in the officer's permanent training record. Bureau and District Commanders will insure that the appropriate training is current and documented for all officers under their commands.
- c. Use of Impact Tools or Devices to Apply Deadly Force:
- 1. An impact tool or device is generally used as a "compliance tool" to overcome non-deadly force exercised by a person resisting the officer's authority. However, in certain circumstances the impact tool or device can be properly used to apply greater force up to and including deadly physical force. Refer to CRS 18-1-707(2) for the circumstances under which deadly physical force can be used.
  - 2. Incorrect, reckless or negligent strikes to certain bodily areas may cause unintentional serious bodily injury or death. If not justified to use deadly physical force under 18-1-707(2), this conduct could result in administrative discipline, civil actions or criminal charges against the officer.
  - 3. Examples of reasonable deadly force applications of impact tool or devices include:
    - (a) Controlling a suspect who has disarmed an officer and the officer reasonably believes that the suspect is about to use the firearm against the officer or another.
    - (b) Controlling a suspect who is armed with a knife or other deadly weapon and due to the suspect's close proximity, the officer reasonably believes that the suspect is threatening the officer with imminent death or serious bodily injury.
  - 4. Orcutt Police Nunchaku (OPN)
    - (a) The Orcutt Police Nunchaku is an authorized safety tool primarily used for arrest control and self-defense. Other brands, designs or types of nunchaku are not authorized.
    - (b) Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to carry or use of the OPN in the performance of duties.
    - (c) Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required shall no longer carry or use the OPN in the performance of duties.
    - (d) If the OPN is used to strike a subject or injury occurs, whether or not an arrest is made, a Use of Force Report is required, in accordance with OMS 105.01(1).
  - 5. Chemical Agent
    - (a) Chemical agents provide an excellent force option in certain situations.
    - (b) Chemical agents may be used when reasonable and justified in the following situation(s):
      - 1. To prevent an injury to an officer or a third person.
      - 2. To ward off threatening dogs and other animals.
      - 3. To subdue a person who is threatening or attempting physical harm to himself or another.
      - 4. Against subjects resisting arrest.

- 5. To quell rioting.
  - 6. Against subjects interfering with an arrest.
  - 7. Any situation where the officer can clearly articulate the need to deploy this device.
- (c) Authorization for use of chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant; and the use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.
  - (d) Immediate medical treatment is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.

#### 6. POLICE SERVICE DOGS

- (a) Police service dogs, when properly utilized are a useful resource. They are particularly useful in searches, tracking, and apprehension of suspects and protection of officers.
- (b) When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the dog will be used at the discretion of the handler.
- (c) A police service dog may be used in a reasonable manner as determined by the handler, to search when the following conditions exist:
  - (d) When the suspect is actively evading arrest.
  - (e) When the suspect is believed to be hiding in an area where the use of a canine would reduce the threat to officers or the public.
  - (f) A police service dog may be used to apprehend a suspect at the discretion of the handler and in accordance with Canine Unit Policies and Procedures.
  - (g) Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
  - (h) Should a police service dog injure a subject during an arrest, the canine officer/handler will request medical assistance, after first securing the suspect and the arrest scene.
  - (i) The injury will be reported in accordance with the requirements of OMS 105.01.
  - (j) Deployment of a police service dog during an arrest must comply with the requirements of the Use of Force policy and the Colorado Revised Statute.

105.03 Shooting By and/or of Police Officers

- (1) When a police officer fires a weapon as a result of contact with a person, whether or not that person is killed or wounded, the dispatcher shall be immediately notified. I-Call communication may be requested if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Radio and telephone conversations are tape recorded and will be available for use in the investigation. This procedure will also apply when an officer is wounded or killed.
- a. The dispatcher will immediately follow Communications Bureau procedures by notifying the following as required:
    1. Ambulance.
    2. Sufficient patrol coverage.
    3. The on-duty District Commander.
    4. The on-duty Homicide and/or General Assignment Detectives.
    5. The Crime Laboratory.
    6. The Investigation Division Communications Desk.
    7. The on-call District Attorney.
    8. The Division Chief of Patrol.
    9. The Coroner's Office, if a death is involved.
  - b. The Investigation Division Communications Desk will immediately notify the following: (If after hours, the call-out list shall be used by the Communications Bureau)
    1. The on-call Police Shoot Team.
      - (a) Homicide Supervisor
      - (b) Primary and Secondary Homicide Investigators
    2. The Commander of Crimes Against Persons.
    3. The Division Chief of Investigations.
    4. The Public Information Officer.
    5. The Chief of Police.
    6. The Manager of Safety.
    7. The involved officer(s)' Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer(s)' family.
    8. The involved officer(s)' Division Chief.

- (2) Activities relating to the Person/Officer who has been shot are as follows:
- a. Use appropriate first aid.
  - b. Remove the person/officer to the hospital by ambulance if any possibility of life exists.
  - c. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
  - d. If the victim is a suspect on whom a hold order is placed, notify the Sheriff's Office.
  - e. If the victim is a police officer, notify his Commander who will arrange for an officer guard. See Sec. 505.10(5).
- (3) The senior officer at the scene is immediately responsible for crime scene protection.
- (4) The responsibilities of the ranking patrol officer at the scene of a Police Shooting include, but are not limited to, the following:
- a. To protect the crime scene, using appropriate manpower and methods.
  - b. To determine what has occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, the officer involved will be asked for general information which will indicate the area to be protected and the evidence to be sought. Detailed statements are inappropriate at this time.
  - c. To ensure that the involved officer maintains his weapon in its condition at the completion of the shooting event, making no changes to the weapon, except to make the weapon safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited for crime scene documentation. The involved officer shall maintain custody of his firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement weapon. An investigator from the Homicide Unit shall document this transfer. The weapon will be retained until released by the Homicide Unit or the Commander of the Crimes Against Persons Bureau.
  - d. To assign a supervisory officer to transport the involved officer to headquarters and remain there with him/her. Those allowed access to the officer are investigators of the Police Shooting Team, the officer's Commander, his/her attorney and the District Attorney. All others must be approved by the Commander of Crimes Against Persons.
  - e. To provide the dispatcher and responding detectives with all available information.
  - f. To assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 13.12.
  - g. To assign an officer to make an Offense Report. If the suspect or other person is wounded by an officer, the title will be "Shooting by a Peace Officer." If an officer is wounded, the title will be "Assault on a Peace Officer." If any person/officer is killed, the title is "Homicide." When it is an officer who has fired the shot(s), the person shot is listed as the victim and the officer doing the shooting is listed as the person reporting. His/her signature is not required. The suspect section is left blank and the narrative kept brief.
  - h. To make an After Action Report, insuring that a copy is routed to the Homicide Unit. A copy of the personnel detail(s) for that day should be attached for all districts or other units which covered the scene.



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- i. To insure that a DPD Form 12, Use of Force Report is completed
    - 1. The front of the form will be used to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report."
    - 2. A copy of the After Action Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to Internal Affairs Bureau, with one copy to the Bureau Commander and one copy to the respective Division Chief.
  - j. To insure that ALL officers who respond to the scene or assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.
- (5) The investigation of a shooting by a peace officer will be a cooperative endeavor between the Denver Police Department and the Denver District Attorney's Office. The investigation will be under the command of the Division Chief of Investigations or his designee. All normal and appropriate investigative techniques will be used including, but not limited to, the following:
- a. The crime scene will be fully processed and documented using diagrams, photographs and video tape recordings.
  - b. Statements will be taken as soon as practical following the shooting. These statements may be written, formal, tape recorded or video taped. At the discretion of the commander of the investigation, the statements may be taken under oath. The order of taking statements is generally civilian witnesses first, followed by officer witnesses. The officer who fired the shots will usually be interviewed last.
  - c. The officer involved in the shooting may have an attorney present for legal assistance. The officer will be advised in accordance with the "Officer Advisement in Police Shootings" form. The "Miranda Warning", Internal Affairs Bureau "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not be used unless a crime or serious department rule violation is suspected.
  - d. The Internal Affairs Bureau will participate only at the request of the Division Chief of Investigations, his designee or the Chief of Police. This participation only involves those cases where a crime or serious rule violation is suspected.
  - e. Media inquiries should be referred to the Division Chief of Investigations or his designee. This will generally be the Public Information Officer.
  - f. The Command Officer in charge of the investigation will prepare a synopsis of the incident on DPD Form 200, directed to the Chief of Police. Copies will be sent to the Mayor, Manager of Safety, Division Chief and Commander of the involved officer and the Internal Affairs Bureau. This must be done prior to going off duty.
  - g. The determination of whether criminal charges are fileable in a police shooting case is solely the responsibility of the Denver District Attorney's Office. Officers are not to publicly speculate as to what this decision will be. The District Attorney will inform the Chief of Police in writing of his decision following the completion of the investigation and a thorough review of the case. The District Attorney's review and filing decision is based on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

(6) Consideration for the involved officer following the investigation of the Police Shooting:

- a. If a death has resulted, the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. Excused days may be arranged by the officer's own command. Temporary or permanent assignment changes may be considered in cases with extenuating circumstances.
- c. If serious injury or death has resulted, Psychological Services will be required within one week of the incident to contact the involved officer. The purpose of the Psychological Services interview is not to investigate the officer's actions or assess his/her fitness for duty. This will remain the prerogative of the commanding officer. Absolute confidentiality will be maintained and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).
- d. The commanding officer of the principals involved in a shooting incident will notify them of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, the commanding officer will be notified by Psychological Services so that such arrangements will be made. No other exchange of information will be made without the express written consent of the officer before the interview.
- e. In the event of a civil suit against the City and the officer, legal representation is provided by the City Attorney's office. The only exceptions would be if the officer was acting out of the scope of his employment or neglected to notify the Civil Liability Bureau of the potential action for a lawsuit.

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105.04 Discharge of Firearms

- (1) Officers shall not discharge any firearm in the performance of their duties except as authorized by law and the rules, regulations and procedures of the Department.
- (2) Safe handling of firearms is required by all members of the Department during the course of their duties and at all times by officers carrying a firearm while off duty.
- (3) A police officer may resort to the lawful use of firearms under the following conditions when he reasonably believes that it is necessary:
  - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force (C.R.S. §18-1-707); or
  - b. To effect an arrest, or to prevent the escape from custody of a person whom he reasonably believes:
    1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
    2. Is attempting to escape by the use of a deadly weapon; or
    3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay (C.R.S. 18-1-707).
    4. The following definitions will be applied to all of Section 105.04(3)a. and b:
      - (a) REASONABLE BELIEF: When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
      - (b) DEADLY PHYSICAL FORCE: That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
      - (c) SERIOUS BODILY INJURY: A bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
  5. It is necessary, "when feasible", to give some warning before engaging in the use of deadly force. If possible, identify yourself as a police officer, give the command you want followed, and state your intention to shoot.
  - c. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
  - d. To participate in authorized training at a target range.
  - e. To participate in any legitimate sporting activity.
- (4) Officers will not discharge firearms under the following conditions:
  - a. At another person unless the circumstances are such that the officer would be justified under the law if the shot killed the person.
  - b. As a warning or attention shots.

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- c. Firing at or from moving vehicles: Except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.
  - d. Firing shots where there is likelihood of serious injury to persons other than the person to be apprehended.
- (5) When an officer discharges a weapon for any reason and no one is injured or killed, or if it is unknown if a person is injured or killed, the dispatcher will be notified immediately. NOTE: if injury or death is involved, the procedure in Section 105.03 is in effect.
- a. When an officer is required to kill an animal for humane reasons or because it is dangerous, AND the following criteria are present: All expended rounds are accounted for and no persons were endangered, the following shall occur.
    - 1. The officer's supervisor shall respond to the scene and handle the investigation.
    - 2. A determination shall be made that no persons were endangered and that all rounds are accounted for.
    - 3. Photographs should be taken at the scene by Y-91, (or, if Y-91 is not available, Polaroid photos can be taken).
    - 4. Statements shall be obtained from all officers and civilian witnesses.
    - 5. An offense report shall NOT be completed.
    - 6. An After Action Report (DPD 286) and a Use of Force Report (DPD 12), shall be completed and shall include the relevant information, the officer(s) involved, the weapon and type of ammunition used, and the owner and disposition of the animal carcass. Radio shall notify the State Wildlife Department when applicable.
    - 7. Copies of all reports shall be sent to:
      - (a) The Commander of Crimes Against Persons Bureau.
      - (b) Civil Liability Unit.
      - (c) Internal Affairs Bureau.
    - 8. Any questions should be referred to the on-call Crimes Against Persons, Assault Unit Supervisor.
  - b. With the exception noted in 105.04(5)a, the dispatcher shall immediately follow Communications Bureau procedures by notifying the following:
    - 1. The on-duty or on-call Crimes Against Persons assault supervisor.
    - 2. The on-duty District Commander who shall notify the officer's immediate supervisor.
    - 3. NOTE: Incidents occurring outside the metropolitan Denver area shall be covered at the discretion of the Crimes Against Persons Bureau supervisor contacted.
  - c. The officer's supervisor shall immediately respond to the scene.
- (6) The senior officer at the scene is immediately responsible for protection of the scene.

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(7) The responsibilities of the ranking supervisory officer at the scene of a non-injury weapon discharge include, but are not limited to:

- a. To protect the scene, using appropriate personnel and methods.
- b. To determine what has occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, the officer involved will be asked for general information which will indicate the area to be protected and the evidence to be sought. Detailed statements are inappropriate at this time.
- c. To ensure that the involved officer maintains his weapon in its condition at the completion of the shooting event, making no changes to the weapon, except to make the weapon safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited for crime scene documentation. The involved officer shall maintain custody of his firearm until relinquished to the Crime Laboratory detectives who respond to the scene. The weapon will be retained until all testing has been completed.
  1. The Crime Laboratory will make arrangements to loan the officer a weapon until such time as the involved weapon can be returned.
  2. In certain cases, the responding detective or supervisor assigned to Crimes Against Persons may determine that testing of the weapon is not necessary, for example, when all expended rounds are accounted for. When this determination has been made, the officer's weapon may not be taken.
- d. To provide the dispatcher and responding detectives with all available information.
- e. To assist and follow the directives of the senior member of the Criminal Investigation Division, in compliance with Sections 14.12 and 14.13.
- f. To assign an officer to make an Offense Report. The Offense Report will be titled "Discharge of a Weapon".
- g. **TO INSURE THAT ALL OFFICERS WHO RESPOND TO THE SCENE OR ASSIST IN ANY WAY SUBMIT INDIVIDUAL STATEMENTS DETAILING THEIR DUTIES AND OBSERVATIONS TO THE ASSAULT UNIT PRIOR TO GOING OFF DUTY.** Civilian witnesses will be identified and statements obtained.
- h. In all cases, the responding supervisor will submit an After Action Report (DPD Form 286) through the chain of command, insuring that a copy is routed to the Assault Unit. A copy of the daily detail(s) for all districts or other units which covered the scene should be attached.
- i. **NOTE: If the incident occurred outside the City, an After Action Report is still required.**
  1. If the involved officer is assigned to the Patrol Division, the responding Crimes Against Persons detective and/or supervisor will contact the on-duty commander of the station to which the officer is assigned. This shift commander will ensure that an After Action Report is filed and sent through proper channels.
  2. If the involved officer is assigned to any other division, the responding Crimes Against Persons detective and/or supervisor will be responsible for completing and processing the After Action Report.
- j. To insure that a DPD Form 12, Use of Force Report is completed
  1. The front of the form will be used to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report."
  2. A copy of the After Action Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to Internal Affairs Bureau, with one copy to the Bureau Commander and one copy to the respective Division Chief.

- (8) A thorough investigation will be conducted.
  - a. The scene will be processed and documented as necessary.
  - b. Statements will be taken as soon as practical following the shooting. These statements may be written, formal, tape recorded or video taped. The order of taking statements is generally civilian witnesses first, followed by officer witnesses. The officer who fired the shots will usually be interviewed last.
  - c. The Internal Affairs Bureau will participate at the request of the Division Chief of Investigations, his designee, the Chief of Police or the officer's commander. This participation involves only those cases where a crime or rule violation is suspected.
  - d. Media inquiries should be directed to the Public Information Officer.
- (9) When the investigation is completed, the file will be submitted to the Commander of the Crimes Against Persons Bureau. The Commander of the Crimes Against Persons Bureau will forward the case to the Chairman of The Firearms Discharge Review Board for review at the next meeting, in accordance with Section 105.05.

105.05 Firearms Discharge Review Board

- (1) The Chief of Police has established a Firearms Discharge Review Board which will examine all firearm discharges by active members of the Department, except those incidents described in Section 105.04(3)d. & e. The Board is investigative in nature and responsible for making recommendations on administrative justification, administrative case filings, Department policy modifications, training and commendations. The Board is empowered to classify a case as Unfounded, Exonerated, Not Sustained, or Sustained, and specify what disciplinary action should be taken.
  - a. The Board review of any case where a person has been injured or killed will be scheduled after the completion of the investigation and the Chief of Police has received a written decision from the District Attorney stating whether or not criminal charges will be filed. The responsibility for notifying the Board that the case is ready for review rests with the Commanding Officer of the Internal Affairs Bureau or his designee.
  - b. The Board review on non-injury firearm discharges will be scheduled after a final report on the incident has been completed. The responsibility for notifying the Board that the case is ready for review rests with the Commanding Officer of the Internal Affairs Bureau or his designee.
- (2) The Board is authorized to take all appropriate steps in its review of firearm discharge incidents, including, but not limited to the following:
  - a. The Board shall review all reports, photographs, video tapes, statements and other documents relating to the incident.
  - b. The Board is empowered to call any officer witnesses needed for further clarification.
  - c. The Board may invite any civilian witnesses to appear who are needed for further clarification.
  - d. The Board may direct additional investigation be conducted by those responsible for the report being reviewed.
  - e. The Board must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of Department rules and regulations.
- (3) Following full review of the shooting incident, the Board has the following responsibilities:
  - a. If the Board has concluded that the shooting incident meets the conditions approved by Sec. 105.04(3) and no Departmental Rules or Regulations have been violated, the Chief of Police will be notified of this fact in writing. Copies of this notification will be provided to the involved officer, his/her Commander and Division Chief. One copy will be placed in the involved officer's Internal Affairs Bureau file subject to purge at periods specified by the Chief of Police.

- b. If the Board has concluded the shooting incident does not meet the conditions approved by Section 105.04(3), or that Departmental Rules or Regulations appear to have been violated, the Chief of Police will be notified of this fact in writing. The Board will document the areas which it considers to be deficient and its reasoning. A copy of this report recommending an Administrative Case Filing will be forwarded to the Commander of the Internal Affairs Bureau. The Internal Affairs Bureau will be responsible for investigating the specific points the Board has found to be deficient. At the conclusion of the investigation, the case will be resubmitted to the Board for an administrative finding and penalty recommendation, if applicable. As in all other disciplinary matters, final authority and responsibility rests with the Chief of Police.
  - c. The Board will make recommendations to the Chief of Police for any modification of the Department's Firearms Policy as defined in the Operations Manual.
  - d. The Board will make recommendations to the Chief of Police and the Training Bureau for improvements or additions to the Firearms Training Program used in Recruit Training, In-Service Training, or Roll Call Training.
  - e. The Board will make recommendations to the involved officer's Commander and to the Commendations Board in those cases where it feels commendations should be considered.
- (4) All records of the Board are to be considered confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- a. EXCEPTION: The Homicide Unit's investigation into any case where an officer has shot and wounded or killed a person becomes public record if the District Attorney determines no criminal charges are fileable. Interested persons may review the District Attorney's copy at his office.
  - b. Original investigative case files in those situations where an officer has shot and wounded or killed a person will be stored under the case number by the Records Section subject to purge at periods specified by the Chief of Police.
  - c. Data involving each injury and non-injury firearm discharge will be stored in the officer's Internal Affairs Bureau file subject to purge at periods specified by the Chief of Police.
- (5) Board membership and responsibilities
- a. The membership of the Firearms Discharge Review Board will be composed of the following persons:
    - Division Chief of the Patrol Division
    - Division Chief of the Criminal Investigation Division
    - Division Chief of the Special Operations Division
    - Division Chief of the Technology and Support Division
    - Bureau/District Commander of the Officer Involved in the incident
  - b. The Commanding Officer of Internal Affairs Bureau is the Chairman of the Board.
    1. The Chairman will determine the date and time of the meeting in compliance with Section 105.05(1)a. & b., and will notify the other Board Members.
    2. The Board will be called within a reasonable time after the final report of a Firearm Discharge.
    3. The Chairman is responsible for any reports required of the Board. He may delegate this duty to an IAB staff member. The Chairman is a non-voting member of the Board.
    4. Board findings will be by majority rule.



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- (6) Should any member of the Board recognize a conflict of interest on an individual case due to a relationship with the involved officer, the member will be excused and a temporary replacement will be appointed by the Chief of Police.
- (7) Should any member of the Firearms Discharge Review Board be unavailable to attend a meeting for any reason, that member will be replaced by a temporary member appointed by the Chief of Police.

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**105.06 Weapons - Requirements and Inspection**

- (1) Officers will equip themselves with handguns of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer with the approval of the Chief of Police.
  - a. Prior to purchasing a handgun for official use, officers may obtain a copy of DPD Form 30, Handgun Purchase Authorization. The use of this form eliminates the requirement to submit to the CBI Background Check required by Colorado Law. Officers are to submit the form to THEIR commanding officers for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the gun dealer prior to the purchase of the weapon or magazines.
  - b. This form is required to purchase post-ban, high capacity magazines.
- (2) The Chief Firearms Officer, with the approval of the Chief of Police, shall prepare a list of handguns which are approved for carry and use in each of the five (5) categories. The list shall be displayed at the Firearms Bureau and will be published quarterly in the Denver Police bulletin. The list shall be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police. The five (5) categories of authorized firearms are as follows:
  - a. **Uniform:** This category lists the handguns approved for uniform carry. Officers shall carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
  - b. **Plain Clothes:** This category lists the handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
  - c. **Administration:** This category lists the handguns approved for carry by non-uniform administrative officers. The administrative status of a Denver Police Department officer's assignment will be determined by the Division Chief in charge of that officer's assignment.
  - d. **Off-duty/back-up:** This category lists the handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off-duty or back-up use.
  - e. **Utility:** This category lists handguns approved for carry while performing specialized functions. The unit commander will determine the necessity for utilization of this category.
- (3) Inspection of weapons. All firearms must be inspected, function tested, and approved by the Firearms Bureau prior to being carried either on or off-duty.
  - a. An annual inspection of all firearms will be required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each weapon will be inspected and fired for qualification once in each calendar year.
  - b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Bureau Officer for inspection and approval prior to being carried.
  - c. Qualification must be accomplished prior to carrying the weapon.

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- (4) Repairs to firearms. Officers assigned to the Firearms Bureau are authorized to repair certain approved firearms. The following applies to in-house repairs.
- a. The firearm(s) in question must be an approved firearm.
  - b. Department owned firearms shall not be altered in any way, except by Firearms Bureau personnel or by order of the Chief of Police.
  - c. The officer reserves the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs shall be borne by the officer. After repair or alteration by any person or firm other than the Firearms Bureau, the firearm must be submitted to the Firearms Bureau for inspection and approval prior to being carried.
  - d. In the event that needed repairs are of such nature that factory repair is required, personally owned firearms shall be returned by the officer to the factory for repair at the officer's expense.
  - e. Loaner handguns will be provided by the Firearms Bureau under the following conditions:
    1. The firearm being repaired is a departmentally approved firearm.
    2. The loaner must be of the same make, model and barrel length as the one being repaired, if available.
- (5) Method of carrying handguns
- a. All semi-automatic handguns will be carried in departmentally approved directional draw holsters and shall be worn on the strong side. These holsters must have the following: safety strap, covered trigger and retention method. These requirements apply to the following categories of firearms:
    1. Uniform
    2. Plain clothes
    3. Administrative
    4. Off duty
  - b. Officers hired prior to 1990 may choose to carry a revolver. These revolvers will be carried in holsters approved by the Firearms Bureau.
  - c. Officers hired prior to 1983 may continue to carry a crossdraw holster.
- (6) Cleaning and loading firearms
- Officers shall clean, repair, load or unload firearms only in those locations designated by the building manager. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisory officer for inspection or training purposes, or in the official performance of duties.
- (7) "Heavy" firearms
- a. Approved heavy firearms, in terms of machine guns, rifles and gas equipment, as authorized by the Chief of Police, may be carried in the field only on order of the commanding officer present. No personal or unauthorized heavy equipment, including privately owned shotguns, shall be carried without prior authorization of the officer's Division Chief.
  - b. Shotguns, when carried routinely in police cars, shall not have a round in the chamber. Rounds will be carried in the magazine. Rounds which are chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the shotgun to the police vehicle.

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- c. Heavy firearms maintenance will be performed by Firearms Bureau personnel on departmentally owned weapons. All unit commanders shall cause heavy firearms assigned to their units to be routinely inspected and cleaned.
  - d. Only ammunition deemed appropriate by the Firearms Bureau will be used in these weapons.
- (8) Report of firearm purchase, loss or replacement. (Use of DPD form 30)
- a. Officers shall file an Offense Report when a firearm is lost by any means. Offense Reports concerning the loss of any firearms shall contain all pertinent facts and information surrounding the incident.
  - b. Officers using Form DPD 30 to purchase either weapons or magazines are reminded that disposition of these weapons must be in compliance with Federal Law.
- (9) Ammunition
- All officers shall load their firearms and carry on their person only ammunition issued or approved by the Firearms Bureau. Officers are prohibited from carrying reloaded ammunition of any kind.
- a. Ammunition, both service and practice, will be furnished by the Department for standard firearms.
  - b. Ammunition for non-standard firearms is the responsibility of the individual officer. All ammunition for nonstandard firearms must meet the requirements of the Chief Firearms Officer. Officers will load their firearms with and carry on their persons only ammunition specifically approved by the Chief Firearms Officer.

105.07 Firearms Bureau

- (1) The Firearms Bureau Commander shall be in charge of the Firearms Bureau and all its facilities. This officer will also be known as the Chief Firearms Officer.
- (2) The Assistant Chief Firearms Officer shall be a supervisory position assigned to the Firearms Bureau.
- (3) Firearms Training Officers. These individuals shall be chosen from the ranks of 1st Grade Patrolman, Technician or Detective. This position will carry the rank of Technician, and will be assigned to the Firearms Bureau.
- (4) Range Operations
  - a. Rules, regulations and procedures for operations at the Denver Police Department Firearms Training facilities shall be posted in a conspicuous place and be strictly adhered to at all times.
  - b. All firearms that are to be inspected and used at the Denver Police Firearms Facilities will be unloaded and cleared in the area provided outside the entrance doors to the Range.
  - c. Clean firearms policy. All firearms to be used on the Denver Police Firearms Facilities will be cleaned prior to inspection by Firearms Bureau personnel before being fired. In addition, all firearms will also be cleaned immediately after being fired. This cleaning procedure will be completed in the area provided. The Shoot Slip will be issued only after the weapon is re-inspected by the firearms personnel. (Officers are strongly urged to wash their hands after cleaning their weapon and prior to returning to duty.)
  - d. All visitors must be accompanied by a Denver Police Department Officer and shall be governed by the posted rules and regulations. No children are allowed in range facility without prior approval from the Chief Firearms Officer or designee.
  - e. Any person(s) who are not members of the Denver Police Department must have written permission from the Chief of Police or his designee and the Chief Firearms Officer before being permitted to use these facilities.
  - f. All officers shall wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
- (5) Firearms Proficiency
  - a. All officers of the Denver Police Department are required to shoot once during each shoot quarter and achieve a passing score on the course of fire specified by the Firearms Bureau.
    1. Any Officer who, for any reason, fails to attend firearms training during any quarter will be required to make up the missed shoot during the following quarter along with remedial training if deemed necessary by Firearms Training personnel. It is the officer's responsibility to make necessary arrangements.
    2. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from two or more shoot quarters will attend Remedial Training if the officer fails to qualify upon their return.

- b. An unexcused failure to shoot for qualification during a scheduled shoot quarter shall constitute a violation of this section with the following penalties:
1. First violation will result in a fine of one (1) day.
  2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
  3. The Chief of Police or his designees may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders shall be imposed separate and apart from the provisions of section 105.07 (5) b. 1 or 2, and the penalty therefore may be imposed, based on the officer's entire history of failing to shoot for qualification.
- c. After each shoot quarter, reports will be generated by the Firearms Bureau delineating the following:
1. Officers who failed to attend.
  2. Officers who failed to qualify.
  3. Officers who did qualify, their scores and the firearm they qualified with. This list will include officers who qualify after each remedial training course.
- d. Remedial Training
1. Officers failing to qualify with either a revolver or semiautomatic during any regularly scheduled shoot quarter will be required to attend Remedial Training conducted by the Firearms Bureau, until such time as they can qualify.
  2. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
  3. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
- e. Passing score for each shoot quarter is 80% of the approved course.
- f. Officers who have received firearms training with a revolver and wish to carry a semiautomatic pistol must:
1. Complete the Denver Police Department revolver to semi-auto pistol Training Program.
- g. Officers who choose to change weapons systems must complete the Denver Police Department/Semi-Auto Pistol Transition Training Course.
- h. Prior to carrying any Departmentally approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that weapon.
- i. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized handgun. The Chief Firearms Officer shall maintain written records describing the course of fire. Such record shall contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.

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105.08 Denver Police Urban Rifle Program

- (1) The Denver Police Department authorizes the use of a Colt AR-15, Model 6530, .223 rifle, fixed stock, 16" barrel with iron sights (Urban Rifle) to be carried by certain officers in their normal duty assignment.
  - a. The authorization to carry an Urban Rifle is a privilege and can be revoked at anytime, for any reason, by an officer's respective Division Chief.
  - b. Blatant violations of this policy will result in revocation of the privilege to carry an Urban Rifle.
- (2) The rifle is to be carried in the trunk of the police car with the chamber empty, no magazine in the weapon, safety on, in the hard case.
- (3) The rifle is not authorized to be carried in the shotgun rack of any vehicle at any time.
- (4) Officers shall be selected and certified based on the following criteria:
  - a. Officers must have exhibited proficiency with a handgun, scoring 90% average or above for the previous one year period.
  - b. Officers must be first grade.
  - c. Officers must be recommended and approved by their commander.
  - d. Officers must attend and pass a mandatory training course and annual in-service course to be conducted by range personnel.
  - e. Quarterly rifle and handgun proficiency shooting courses must be maintained at 90% yearly average or above.
- (5) Initial training consists of a 40-hour certification course, quarterly qualification and an annual 8 hour in-service class.
- (6) The formal updated training curriculum will be on file at the Firearms Training Bureau.
- (7) Officers would only deploy the Urban Rifle under the following circumstances:
  - a. At the direction of their supervisor; or
  - b. When an officer can clearly articulate need where the deployment of a handgun or shotgun would not be sufficient to neutralize the threat.
- (8) Officers deploying a rifle would function as a cover officer, with no other duties such as searching or handcuffing until the weapon is secured in the patrol car.
- (9) Deployment will be tracked by documentation on a Form 200, or After Action Report shall be sent to the range for compilation of statistics. The documentation will include: Initial call type, reason for deployment and the outcome of the call.
- (10) When an officer is transferred, promoted, leaves the department, or is no longer certified to carry an Urban Rifle, the weapon assigned to that officer, along with the rifle sling, carrying case, extra magazine, magazine pouch, rifle cleaning kit, all ammunition, and any other issued rifle equipment, shall be returned to the Firearms Section where it will be inventoried and stored until being reassigned.

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- (11) Unassigned Urban Rifles will be stored at the Firearms Section until the next training class, when the weapon will be assigned to another officer, in order to replace Urban Rifle vacancies left in various assignments due to transfers, promotions, etc.
- (12) Additional officers will be trained to serve as alternates to ensure that a pool of potential replacements is maintained for officers who are no longer certified to carry Urban Rifles.
  - a. Alternates will maintain a yearly handgun proficiency of 90%.
  - b. Alternates will attend the mandatory forty-hour initial training and the annual eight-hour in-service training.
  - c. When an alternate officer has been chosen as a replacement, they must sight their weapon and successfully complete a quarterly rifle qualification prior to being assigned an Urban Rifle.



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DEPARTMENT MANUAL  
VOLUME 1 - POLICY  
LAW ENFORCEMENT  
OPERATIONS**

**556. USE OF FIREARMS**

**556.10 PREAMBLE TO THE POLICY ON THE USE OF FIREARMS.** The use of a firearm is in all probability the most serious act in which a law enforcement officer will engage. It has the most far-reaching consequences for all of the parties involved. It is, therefore, imperative not only that the officer act within the boundaries of legal guidelines, ethics, good judgment, and accepted practices, but also that the officer be prepared by training, leadership, and direction to act wisely whenever using a firearm in the course of duty.

A reverence for the value of human life shall guide officers in considering the use of deadly force. While officers have an affirmative duty to use that degree of force necessary to protect human life, the use of deadly force is not justified merely to protect property interests.

It is in the public interest that a police officer of this Department be guided by a policy which the people believe to be fair and appropriate and which creates public confidence in the Department and its individual officers.

This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force. Such a policy must be viewed as an administrative guide for decision-making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a

given incident.

**556.20 NECESSITY THAT OFFICERS BE ARMED.** As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.

**556.25 REASON FOR THE USE OF DEADLY FORCE.** An officer is equipped with a firearm to protect himself or others against the immediate threat of death or serious bodily injury or to apprehend a fleeing felon who has committed a violent crime and whose escape presents a substantial risk of death or serious bodily injury to others.

**\*145 556.30 PROTECTION OF GENERAL PUBLIC.** Regardless of the nature of the crime or the justification for firing at a suspect, officers must remember that their basic responsibility is to protect the public. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create a substantial immediate threat of death or serious bodily injury.

**556.35 MINIMIZING THE RISK OF DEATH.** An officer does not shoot with the intent to kill; the officer shoots when it is necessary to prevent the individual from completing what he/she is attempting. In the extreme stress of a shooting situation, an officer may not have the opportunity or ability to direct his shot to a nonfatal area. To require him/her to do so, in every instance, could increase the risk of harm to himself/herself or others. However, in keeping with the philosophy that the minimum force that is necessary should be used, officers should be aware that, even in the rare cases where the use of firearms reasonably appears necessary, the risk of death to any person should be minimized.

**556.40 THE USE OF DEADLY FORCE.** An

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officer is authorized the use of deadly force when it reasonably appears necessary:

- To protect himself or others from an immediate threat of death or serious bodily injury, or
- To prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury, or
- To apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed.

Officers shall not use deadly force to protect themselves from assaults which are not likely to have serious results.

Firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons.

Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable.

#### **556.50 JUSTIFICATION LIMITED TO FACTS KNOWN TO OFFICER.**

Justification for the use of deadly force must be limited to what reasonably appear to be the facts known or perceived by an officer at the time he decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify a shooting.

**\*146 556.55 SUSPECTED FELONY OFFENDERS.** An officer shall not fire at a person who is called upon to halt on mere suspicion and who simply runs away to avoid arrest. Nor should an officer fire at a "fleeing felon" if the officer has any doubt whether the person fired at is in fact the person against whom the use of deadly force is permitted under this policy.

#### **556.60 YOUTHFUL FELONY SUSPECTS.**

This Department has always utilized extreme caution with respect to the use of deadly force against youthful offenders. Nothing in this policy is intended to reduce the degree of care required in such cases.

**556.70 SHOOTING AT FLEEING MISDEMEANANTS.** Officers shall not use deadly force to effect the arrest or prevent the escape of a person whose only offense is classified solely as a misdemeanor under the Penal Code.

**556.75 FIRING WARNING SHOTS.** Generally, warning shots should not be fired.

**556.80 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."

**556.90 USE OF THE URBAN POLICE RIFLE AND SHOTGUN SLUG AMMUNITION.** In performing its mission to protect the people of this City, the Department equips officers with weapons sufficient to control most field situations. In determining the type of weapons and ammunition routinely carried by field officers, a careful balance must be achieved between our urban setting and the degree of danger we face. For anticipatable events which pose a higher degree of danger, special units are equipped and trained to use more powerful weapons consistent with the anticipated threat level. However, unanticipatable field situations occasionally arise which require immediate access to specialized weapons in order to control the situation and protect the community as well as the officers responding to the incident.

\*147 In recognition of this need, the Department has authorized the field deployment of special weapons and ammunition. However, these weapons and ammunition may only be deployed by specially trained field officers including trained supervisors, and absent an immediate threat of death or serious bodily injury which precludes waiting for approval, supervisory

approval is required prior to using these weapons and ammunition during a field situation.

The Urban Police Rifle (UPR) and Shotgun Slug Ammunition (SSA) may be used to assist officers who respond to an unplanned and spontaneous incident involving a suspect(s) who is wearing protective body armor, believed to be armed with or who has immediate access to a high powered weapons, or who is believed to be armed and situated in a distant or fortified location which affords the suspect(s) a tactically superior position. The use of UPRs and SSA is intended to minimize the risk of death or serious bodily injury to officers as well as members of the community. Generally, the UPR should not be deployed indoors because of the weapon's penetration capability. Though the deployment of the UPR and SSA is usually restricted to spontaneous events, the Chief of Police or the Department Commander may authorize their deployment on a pre-planned basis for station defense, in conjunction with a Mobile Field Force or in other extraordinary, high-risk emergency events. In every case, deployment of the UPR and SSA shall be in accordance with the Department's Use of Force Policy including all of its reporting requirements.

**3-01/025.00 USE OF FORCE**

This section reinforces the Department's Core Values concerning reverence for human life.

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, or the danger to the community, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and Deputy personnel have a duty to protect the lives of others.

**3-01/025.10 UNREASONABLE FORCE**

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the circumstances presented to Department members at the time the force is applied. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

Head strikes with an impact weapon are prohibited unless circumstances justify the use of deadly force.

**5-09/431.00 DEPUTY-INVOLVED SHOOTINGS IN GENERAL**

Immediate action shall be taken to care for the injured, to apprehend suspects and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

The involved Deputies shall then be immediately transported, by a supervisor, if possible, or if not, by uninvolved Deputies, to the Station, Unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made.

The Watch Commander or Supervising Lieutenant is responsible for immediately notifying Homicide Bureau following any incident in which shots fired by a Deputy at another person cause injury or death, and in any incident in which a Deputy is shot. The Watch Commander or Supervising Lieutenant is also responsible for immediately notifying the IAB on-call Lieutenant following any Deputy-involved shooting, including those in which no one is hit or injured, as well as after accidental discharges and the shooting of animals. (See section entitled, "Professional Standards and Training Division Response Teams.") The Watch Commander shall immediately notify the Unit Commander anytime a PSTD response team is activated. The Unit Commander shall respond anytime a Deputy shoots at a person, as well as anytime a Deputy is shot. If the location of the shooting is outside the County, the Unit Commander shall evaluate the incident and determine whether an immediate response is in order.

Except under exigent circumstances, a Deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the PSTD response team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by PSTD response team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which a Professional Standards and Training Division response team responds and conducts a shooting review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review; however, Unit level personnel will not produce a shots fired or incident review. The Watch Commander/Supervising Lieutenant shall be responsible for securing the

incident scene and identifying and sequestering witnesses as appropriate. In Deputy-involved shooting incidents, witness interviews shall be conducted by Homicide

investigators or, when no hit has occurred, by PSTD response team members. Response team members may request Unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

**5-09/432.00 DEPUTY - INVOLVED SHOOTINGS - PERSON HIT**

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

**5-09/432.05 SUPERVISOR'S RESPONSIBILITIES**

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

**ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED, THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN CONDUCT INTERVIEWS.**

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in

shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to homicide investigators.

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

**5-09/432.10 UNIT RESPONSIBILITY - DEPUTY SHOT**

A Sergeant or Lieutenant from the injured Deputy's Unit shall respond to the hospital to act in a liaison role between medical personnel and Department personnel. This supervisor is responsible for organizing the information flow between the hospital and the Department, arranging security details (if appropriate), maintaining order and communicating with the Health and Safety Unit.

**5-09/432.15 HOMICIDE BUREAU'S RESPONSIBILITIES**

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the PSTD response team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur.

**5-09/432.20 PROFESSIONAL STANDARDS AND TRAINING DIVISION  
RESPONSIBILITY**

The Professional Standards and Training Division response teams are responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section 5-09/434.00).

**5-09/432.25 DEPARTMENT PSYCHOLOGIST**

Personnel involved in shooting incidents or other life threatening events often experience significant trauma. Incidents that can result in trauma include: wounding or fatally shooting, firing or attempting to fire, being fired upon and other life threatening events such as struggling with an armed suspect who has a position of advantage. These circumstances have the potential to affect the performance and health of the

employees involved. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days or weeks later.

It is the responsibility of the concerned Unit Commander to arrange a debriefing between a Department psychologist and all personnel involved in any shooting incident described above, no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing.

The Department psychologist will only confirm that this first appointment was kept, but will not provide any information on the content of the session unless the employee requests such disclosure.

Employee Support Services will contact each employee for a recommended follow-up debriefing at six months. If attended, the debriefing shall be compensated under the provisions of the Memorandum of Understanding. Unit Commanders should encourage attendance at these confidential debriefings geared to preventing problems related to the shooting or life threatening incident. The employee may also request a confidential follow-up session at any time after the first session.

There are times when entire Units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

In all shootings involving death or serious injury, the employee who fired the weapon or was fired upon shall be temporarily reassigned to an interior post position for a minimum of five days.

In addition to the above, Unit Commanders should encourage those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a



debriefing. Such events include traumatic traffic collisions, death of an infant or child during a rescue operation, career threatening injuries, death of a partner or close work mate and physical confrontation with a suspect or inmate which involves substantial danger to the employee.

**5-09/432.30 COMMUNICATIONS AND RUMOR CONTROL**

The Homicide Bureau Lieutenant is responsible for updating the concerned Unit Commander concerning significant developments of any Homicide Bureau investigation.

He is also responsible for providing information to the Sheriff's Headquarters Bureau to allow timely notification of the media.

The concerned Unit Commander, once he has been briefed by the Homicide Lieutenant, is responsible for the timely notification of his Area Commander, Division Chief, the Assistant Sheriff, the Undersheriff and the Sheriff or his executive assistant.

The Homicide Bureau is responsible for preparing a comprehensive memo concerning the facts of the incident. This memo shall be directed to the Sheriff from the Chief of the Detective Division. Distribution will be made to major Department executives, PSTD Headquarters, the IAB Unit Commander and the concerned Divisions. This memo shall be available at the beginning of the next business day following the shooting. The information shall be simultaneously furnished to the Sheriff's Headquarters Bureau, which is responsible for preparing Department messages to all Units for rumor control.

**5-09/432.35 STATISTICAL COMPILATION - SHOTS FIRED BY OR AT DEPUTIES - NO PERSON WOUNDED OR KILLED**

The Internal Affairs Bureau is responsible for the total compilation of all shots fired data. All Division headquarters are required to enter such information into the CARS system by the 4<sup>th</sup> business day of each month, for statistical purposes. Internal Affairs Bureau shall then forward a composite report to the Sheriff.

**5-09/433.00 DEPUTY - INVOLVED SHOOTINGS - NO ONE HIT**

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at

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the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

Professional Standards and Training Division response teams shall conduct an administrative review of all situations in which Deputy personnel fire at another person and miss, as outlined in the next section.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.

#### **5-09/434.00 FORCE/SHOOTING RESPONSE TEAMS AND EXECUTIVE REVIEW**

To enhance the Department's quality assurance and control, and ensure Department-wide consistency in our review process, Force/Shooting Response Teams shall respond to and investigate certain force and high-risk incidents and prepare reports that include, but not be limited to, the following: multi-perspective reviews of the incident; reviews of adherence to policy and performance standards; reviews of adherence to Department training; recommendations for changes in policy and training; assessments of the civil liability the Department is exposed to by our operations and procedures; and reviews of other pertinent issues.

The Force/Shooting Response Teams consist of representatives from various Department Units, such as Internal Affairs Bureau, Training Bureau, Civil Litigation, Traffic Services, Medical Services, Risk Management, Custody Training, etc., depending on the type of incident and the expertise required.

#### **5-09/434.05 ACTIVATION OF FORCE/SHOOTING RESPONSE TEAMS**

Watch Commanders and Supervising Lieutenants are required to make immediate notification to the on-call IAB Lieutenant whenever any of the following occur:

- a) All shootings by any Department member, both on-duty and off-duty, including accidental discharges and the destruction of animals,
- b) All incidents in which Deputy personnel are shot,
- c) Hospitalizations due to injuries caused or allegedly caused by any Department member,
- d) Skeletal fractures caused or allegedly caused by any Department member,
- e) Significant force used by any Department member during or following a vehicular or foot pursuit,
- f) All large party situations where force is used,

- g) Injury or complaint of injury to a person's 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 O.C. spray.),
- h) All head strikes with impact weapons,
- i) Canine bites resulting in medical treatment,
- j) Any death following a contact with any Department member,
- k) Inmate deaths from other than obvious natural causes. This includes murders, suicides, overdoses, etc.,
- l) Injury or complaint of injury to a person's head, as a result of their head striking an object, i.e., wall, door jam, metal bars, etc., due to force used by a Department member or as the result of accidental circumstances.

The on-call IAB Lieutenant shall evaluate the information and determine if a response team activation is appropriate. The on-call Lieutenant shall also determine the appropriate makeup of each team and will cause the notification of those personnel. The following types of incidents shall require mandatory activation of a Force/Shooting Response Team by the on-call IAB Lieutenant which may consist of an IAB Lieutenant, an IAB Force/Shooting Response Team, and a representative from the Training Bureau or Custody Training:

- m) All shootings in which a shot was intentionally fired at a person by a Department member,
- n) Force resulting in admittance to a hospital,
- o) Any death following an altercation with any Department member,
- p) All head strikes with impact weapons,
- q) Skeletal fractures caused or allegedly caused by any Department member,
- r) All large party situations where force is used.

The members of the Force/Shooting Response Teams will prepare thorough, fully informative analysis reports specific to their area of expertise. All reports shall be prepared within thirty (30) business days of an incident and forwarded to Captain of Internal Affairs Bureau, who is responsible for ensuring timely submission of the reports.

A copy of all reports will be sent to the concerned Unit Commander for his information. The Captain of Internal Affairs Bureau is responsible for establishing an incident file containing the Force/Shooting Response Team's reports, and for ensuring that they are entered into the Personnel Performance Index.

If at any time the response team IAB Lieutenant determines that an administrative investigation is warranted, he shall brief the concerned Unit Commander, and with the concurrence of the concerned Division Chief, he shall direct the IAB investigators to commence an investigation. If it is determined that the conduct of any Department member may have been criminal in nature, the Force/Shooting Response Team Lieutenant shall immediately notify the concerned Unit Commander, and with

concurrence of the concerned Division Chief, turn the investigation over to the Internal Criminal Investigations Bureau.

**5-09/434.10 ACTIVATION OF PSTD TRAFFIC COLLISION RESPONSE TEAM**

See section 5-05/010.00

**5-09/434.15 EXECUTIVE FORCE REVIEW COMMITTEE**

Each Force/Shooting Response Team report, as well as any administrative investigation which results from a Force/Shooting Response Team roll-out, is evaluated by the Executive Force Review Committee. The committee is comprised of three Area Commanders, one of whom is from Training Division and acts as the chairperson.

The Commanders are provided with copies of all appropriate portions of the Force/Shooting Response Team packages to be evaluated prior to each Executive Force Review Committee meeting. In addition to reports from the Internal Affairs Bureau, these packages may include reports from Homicide Bureau, the Training Bureau, and the Risk Management Bureau, or any other Unit as deemed appropriate. Based upon these reports, the committee evaluates each incident and determines whether the conduct of the personnel was within Department policy. Additionally, the Executive Force Review Committee evaluates the tactics employed, whether the actions of the personnel were consistent with current training, and the proper use and/or possession of equipment.

The Executive Force Review Committee meets regularly. The concerned employee's Unit Commander also attends, as well as the Internal Affairs Bureau investigator who wrote the IAB report, and representatives of the Training Bureau. Upon initial review of the incident, the Executive Force Review Committee may request additional inquiry by Internal Affairs Bureau investigators if there are areas needing clarification, or the committee may request a formal administrative investigation be conducted if it appears that the conduct may involve violations of Department policy. Upon the completion of this additional review or investigation, the package is returned to the committee

chairperson and the incident is again brought before the Executive Force Review Committee for final determination.

The chairperson reports the findings and recommendations of the Executive Force Review Committee in a memorandum to the concerned employee's Unit Commander. If the employee's conduct is deemed to be in violation of Department policy, the specific Manual of Policy and Procedures section(s) violated are identified. Exemplary performance or conduct is also cited and appropriate commendation recommended. Recommendations to debrief personnel, provide additional training, or conduct counseling are also included in the findings and recommendations memoranda. Issues concerning tactics in current use, training curriculum deficiencies or the need for

revision of Department policy are also identified and direction is given to the appropriate Unit to make changes in training and/or policy.

The Response Team reports and the Executive Force Review Committee's findings and recommendations are forwarded to the concerned Unit Commander. Within thirty (30) business days, the concerned Unit Commander evaluates the material, acts on the recommendations, documents his/her actions, and forwards the package via the concerned Unit's Division Chief for approval, back to the committee chairperson. If the Executive Force Review Committee has determined that violations of policy occurred, the concerned Unit Commander shall determine the appropriate discipline and prepare a disposition sheet for each employee that was deemed to have violated policy.

In the event the Unit Commander disagrees with the findings and recommendations of the Executive Force Review Committee, the dissent must be justified in a memorandum to his/her Division Chief. With the concurrence of the concerned Unit's Division Chief and the appropriate Assistant Sheriff, the Executive Force Review Committee's recommendations may be overruled.

The concerned Unit Commander shall ensure adherence to recommendations of the Executive Force Review Committee. Actions taken must be documented by the concerned Unit Commander on the "Unit Commander's Response" form contained within the package, which is then forwarded to the committee chairperson.

The entire Force/Shooting Response Team package, including all reports and documents describing the Executive Force Review Committee's findings and recommendations, the Unit Commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, is maintained by the staff of the Executive Force Review Committee. All appropriate data bases are updated from the information provided within the Force/Shooting Response Team package.

**Los Angeles County Sheriff's Department**  
**Supervisor's Report on Use of Force**

Page 1 of    

Incident Information										
URN:			Date:			Time:				
Location:										
City or Station:										
Bureau/Station/Facility:						Admin. Investigation: YES <input type="checkbox"/> NO <input type="checkbox"/>				
Employee Witnesses										
Emp. #	Last Name			First Name			Middle Name			
Emp. #	Last Name			First Name			Middle Name			
Emp. #	Last Name			First Name			Middle Name			
Non-Employee Witnesses										
Last Name			First Name			Middle Name			Age	D.O.B.
Street Address				City		Zip Code	Work Ph.		Home Ph.	
Last Name			First Name			Middle Name			Age	D.O.B.
Street Address				City		Zip Code	Work Ph.		Home Ph.	
Last Name			First Name			Middle Name			Age	D.O.B.
Street Address				City		Zip Code	Work Ph.		Home Ph.	
On Duty Supervisor										
Emp. #	Last Name	First Name		Middle Name		Rank	Present YES <input type="checkbox"/> NO <input type="checkbox"/>		Witness to Incident YES <input type="checkbox"/> NO <input type="checkbox"/>	
Emp. #	Last Name	First Name		Middle Name		Rank	Present YES <input type="checkbox"/> NO <input type="checkbox"/>		Witness to Incident YES <input type="checkbox"/> NO <input type="checkbox"/>	
Watch Sergeant										
Emp. #	Last Name			First Name			Middle Name			
Watch Commander										
Emp. #	Last Name			First Name			Middle Name			

Watch Commander's Signature: \_\_\_\_\_ Emp #: \_\_\_\_\_

Copy Provided to Employee by: \_\_\_\_\_ Emp #: \_\_\_\_\_

Supervisor Completing Form: \_\_\_\_\_ Emp #: \_\_\_\_\_  
 (Print)

Emp #: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Unit Commanders Signature: \_\_\_\_\_

PSTD Use Only
FO#

Original: Unit Commander  
 Copy: P.S.T.D. Headquarters,  
 Employee

SH-R-438 Rev. 10/93

**See Reverse**

# Supervisor's Report on Use of Force

URN:

**Method**

- |  |   |   |
|--|---|---|
| (AW) Arwen                               | (FH) Firearm (Handgun)                  | (PO) Personal Weapon (Other)              |
| (BC) Baton: (Control)                    | (FR) Firearm (Rifle)                    | (RS) Resistance                           |
| (BI) Baton: (Impact)                     | (FS) Firearm (Shotgun)                  | (CN) Restraint Device (Capture Net)       |
| (BF) Bodily Fluids                       | (FO) Firearm (Other)                    | (RH) Restraint Device (Handcuffs)         |
| (CN) Canine                              | (FB) Flashbang                          | (HB) Restraint Device: Hobble (Legs Only) |
| (CR) Carotid Restraint                   | (FL) Flashlight                         | (TP) Restraint Device: Hobble (TARP)      |
| (CH) Choke Hold                          | (OE) Other Weapon: Edged                | (RE) Restraint Device: REACT Belt         |
| (CT) Control Holds: (Control Techniques) | (OV) Other Weapon: Vehicle              | (SP) Sap                                  |
| (TT) Control Holds: (Team Takedown)      | (OB) Other Weapon: Blunt Object         | (SH) Shield                               |
| (TD) Control Holds: (Takedown)           | (OO) Other Weapon: Other                | (SG) 37mm Slinger                         |
| (CE) Chemical                            | (PK) Personal Weapon: Feet/Leg: (Kick)  | (SB) Stun Ball                            |
| (OC) Chemical Agents (OC Spray)          | (PS) Personal Weapon: Feet/Leg: (Sweep) | (ST) Stun Bag                             |
| (TG) Chemical Agents (Tear Gas)          | (PH) Personal Weapon (Hand/Arm)         | (TR) Taser                                |
| (EX) Explosives                          | (PP) Personal Weapon (Push)             | (UC) Uncooperative                        |

**Type of Injury**

- |                        |                   |                            |
|------------------------|-------------------|----------------------------|
| (AB) Abrasion          | (DB) Dog Bite     | (PA) Paralysis             |
| (BR) Bruise            | (FR) Fractures    | (PW) Puncture Wound        |
| (BU) Burn              | (GS) Gunshot      | (SD) Soft Tissue Damage    |
| (CP) Complaint of Pain | (HB) Human Bite   | (ST) Sprain/Twists         |
| (CO) Concussion        | (LC) Lacerations  | (UN) Unconscious           |
| (DH) Death             | (ND) Nerve Damage | (RM) Refused Med Treatment |
| (DI) Dislocation       | (OD) Organ Damage | (NN) NONE                  |

**Body Part Injured**

- |               |               |               |
|---------------|---------------|---------------|
| (AD) Abdomen  | (FA) Face     | (HI) Hip      |
| (AK) Ankle    | (FE) Feet     | (IN) Internal |
| (AR) Arm      | (FI) Fingers  | (KN) Knees    |
| (BK) Back     | (GE) Genitals | (LE) Leg      |
| (BT) Buttocks | (GR) Groin    | (NK) Neck     |
| (CH) Chest    | (HD) Hands    | (NO) Nose     |
| (EL) Elbow    | (HE) Head     | (SH) Shoulder |
|               |               | (WR) Wrist    |

**FORCE APPLIED**

(Only One Code Per Block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)

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See Front Side

## Supervisor's Report on Use of Force INVOLVED EMPLOYEE INFORMATION

URN: \_\_\_\_\_

Page \_\_\_ of \_\_\_

Involved Employee							
E_	Employee #	Last Name	First Name	Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:	Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital: _____				Coroner Case #	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>	
E_	Employee #	Last Name	First Name	Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:	Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital: _____				Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>	
E_	Employee #	Last Name	First Name	Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:	Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital: _____				Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>	
E_	Employee #	Last Name	First Name	Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:	Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital: _____				Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>	
E_	Employee #	Last Name	First Name	Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:	Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital: _____				Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>	



## Supervisor's Report on Use of Force SUSPECT INFORMATION

URN: \_\_\_\_\_

Page \_\_\_ of \_\_\_

Suspect Information							
S	Last Name	First Name	Middle Name				
	AKA Last Name	First Name	Middle Name				
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:	City:	State & Zip Code:		
	Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>
	Booking #:	Primary Charge:	Secondary Charge:	Criminal History <input type="checkbox"/>			
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:	Coroner Case#:		Mental History <input type="checkbox"/>		
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____			Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO			
	Date:	Time:	Audiotape: <input type="checkbox"/>	Videotape: <input type="checkbox"/>			

Suspect Information							
S	Last Name	First Name	Middle Name				
	AKA Last Name	First Name	Middle Name				
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:	City:	State & Zip Code:		
	Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>
	Booking #:	Primary Charge:	Secondary Charge:	Criminal History <input type="checkbox"/>			
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:	Coroner Case#:		Mental History <input type="checkbox"/>		
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____			Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO			
	Date:	Time:	Audiotape: <input type="checkbox"/>	Videotape: <input type="checkbox"/>			

Suspect Information							
S	Last Name	First Name	Middle Name				
	AKA Last Name	First Name	Middle Name				
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:	City:	State & Zip Code:		
	Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>
	Booking #:	Primary Charge:	Secondary Charge:	Criminal History <input type="checkbox"/>			
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:	Coroner Case#:		Mental History <input type="checkbox"/>		
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____			Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO			
	Date:	Time:	Audiotape: <input type="checkbox"/>	Videotape: <input type="checkbox"/>			

# Supervisor's Report on Use of Force

URN:

Non-Employee Witnesses (Continuation)				
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.

COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT

**OFFICER INVOLVED  
NON - HIT  
SHOOTING EVALUATION**

UNIT: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

URN #: \_\_\_\_\_

IAB #: \_\_\_\_\_

**NATURE OF INCIDENT:**

COMPLETED BY: \_\_\_\_\_  
Internal Affairs Bureau

DATE: \_\_\_\_\_

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:
GUN TAKE-AWAY:
PERSON(S) ARMED:
PERSON(S) UNARMED:
STARTLE:
UNINTENTIONAL:
DEPUTY IN UNIFORM: <input type="checkbox"/> RAID JACKET: <input type="checkbox"/> PLAIN CLOTHES: <input type="checkbox"/>
VEST WORN:
FOOT PURSUIT:
VEHICLE PURSUIT:
MOVING VEHICLE:
VEHICLE STOP:
TYPE OF HOLSTER:
GUN IN HOLSTER:
STRUGGLE INVOLVED:
ADDITIONAL FACTS AND INFORMATION:

**COUNTY LOS ANGELES - SHERIFF'S DEPARTMENT  
INCIDENT DATA**

<b>WHAT INITIATED INCIDENT</b>		
Call <input type="checkbox"/>	Observation <input type="checkbox"/>	Search Warrant <input type="checkbox"/> Arrest Warrant <input type="checkbox"/>
<b>LOCATION OF OCCURRENCE</b>		
<b>TYPE OF LOCATION</b>		
Residence <input type="checkbox"/>	Business <input type="checkbox"/>	Industrial <input type="checkbox"/> Parking Lot <input type="checkbox"/>
Street <input type="checkbox"/>	Backyard <input type="checkbox"/>	Freeway <input type="checkbox"/> Rural <input type="checkbox"/>
Other <input type="checkbox"/>		
<b>SHOOTING CONDITIONS</b>		
<b>DATE</b>	<b>TIME</b>	<b>DAY</b>
<b>LIGHTING</b>		<b>WEATHER</b>
<b>DISTANCE</b>		
<b>CONTRIBUTING FACTORS</b>		

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## DEPUTY INVOLVED

<b>SHOOTER</b>						
EMPLOYEE'S NAME						
RANK		EMPLOYEE NO.		UNIT AND DIVISION / REGION OF ASSIGNMENT		
SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE	
DUTY STATUS				HIRE DATE		
UNIFORM	RAID JACKET	PLAIN CLOTHES		VEST		
INJURED				DECEASED	CORONER'S CASE NO.	
DESCRIPTION OF INJURIES						
WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE?				YES [ ]	NO [ ]	
WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW?				YES [ ]	NO [ ]	
WHERE? SUPERVISED BY:						
<b>WEAPON USED</b>						
TYPE			AUTHORIZED			
AMMUNITION TYPE			AUTHORIZED			
RANGE QUALIFICATION (LAST DATE)		NO. OF ROUNDS FIRED BY DEPUTY		NO. OF HITS		
<b>DEPUTY'S TOXICOLOGY</b>						
UNDER THE INFLUENCE		TEST FOR CAUSE ORDERED		ORDERED BY		
<b>TRAINING INFORMATION</b>						
LASER VILLAGE TRAINING (LAST DATE)			PRACTICAL POLICE COURSE (LAST DATE)			

**DEPUTY INVOLVED**  
Continued

ASSIGNMENT HISTORY		
DATE	UNIT OF ASSIGNMENT	RANK
<b>PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)</b>		
FILE	DATE	TYPE

**LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT**

**SUSPECT/SUBJECT**

LAST NAME		FIRST NAME			M/I	
ADDRESS						
SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
INJURED		DESCRIPTION OF INJURIES				
<b>SUSPECT'S TOXICOLOGY</b>						
UNDER THE INFLUENCE						
TYPE OF SUBSTANCE			LAB TEST CONDUCTED			
ARMED			TYPE OF WEAPON			
NUMBER OF SHOTS FIRED BY SUSPECT			NUMBER OF HITS			
SUSPECT VEHICLE						
CRIMINAL HISTORY (ATTACH COPY OF RAPD)						
SUMMARY OF INCIDENT						



LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # \_\_\_\_\_

was interviewed on \_\_\_\_\_ at \_\_\_\_\_ hours by \_\_\_\_\_  
of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [ ] No [ ]

WITNESS # \_\_\_\_\_

was interviewed on \_\_\_\_\_ at \_\_\_\_\_ hours by \_\_\_\_\_  
of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [ ] No [ ]

WITNESS # \_\_\_\_\_

was interviewed on \_\_\_\_\_ at \_\_\_\_\_ hours by \_\_\_\_\_  
of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [ ] No [ ]

WITNESS # \_\_\_\_\_

was interviewed on \_\_\_\_\_ at \_\_\_\_\_ hours by \_\_\_\_\_  
of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [ ] No [ ]

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

# LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

## ON SCENE CHECK LIST

HANDLING UNIT	OFFICER IN CHARGE
DIAGRAM LOCATION	PHOTOS OF LOCATION
<b>NOTE ALL VEHICLES INVOLVED IN INCIDENT</b>	
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LOCATION OF ANY WEAPONS	
LOCATION OF ANY BODIES	
LOCATION OF ANY BLOOD	
COMPLETE WITNESS LIST	
WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE?	YES [ ] NO [ ]
WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? WHERE?	YES [ ] NO [ ]
SUPERVISED BY:	
VIDEO TAPE OF SCENE	
IN SERVICE SHEETS	

**LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT**  
**CASE COMPLETION CHECK LIST**

RECORDED RADIO MESSAGES
MDT MESSAGES
STATION LOG PRINT OUT
CAR LOGS
PHONE CALL RECORDINGS PERTAINING TO CASE
PRINTS FROM SCENE
GSR TEST
BLOOD SPATTER EXAM AND ANALYSIS
ALL REPORTS AND DOCUMENTS FROM STATION / UNIT
STATION / UNIT TRAINING RECORDS
ACADEMY TRAINING RECORDS
TRAINING RECORDS FOR EQUIPMENT USED
SUSPECT PERSONAL HISTORY INFORMATION



# Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

## 9.1 POLICY

It is the intent of the Louisville Metro Police Department that all members recognize the importance of human life, respect basic human rights, and have an intolerant attitude towards abusive treatment of all persons. Bearing this in mind, officers' use of force will be value driven, utilizing only the force reasonable under the circumstances so as to minimize the chance of injury to themselves and others. (Calea 1.3.1 and NOBLE)

Officers are sometimes confronted with situations where control must be exercised to effect arrests and to protect public safety. Control may be achieved through advice, persuasion, warnings, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would reasonably be ineffective under the particular circumstances. When utilizing force, officers shall use only Departmental approved equipment in the use of which the officers are trained, except in emergency situations when an officer may use any resource at their disposal. (Calea 1.3.9) Officers are permitted to use whatever force is reasonable to protect others or themselves from bodily harm.

Officers are required to complete an Administrative Incident Report on all uses of force resulting in any injury or the complaint of any injury to either officers or the subject, or when physical force other than a control hold is used. (Calea 1.3.6)

All use of force resulting in any injury or the complaint of any injury to either officers or the subject, or when physical force other than a control hold is used, will be investigated by a commanding officer pursuant to 9.1.10 of this section.

When such force is used, the officer shall immediately contact his/her commanding officer, who shall respond to the scene and investigate the incident. An Administrative Incident Report will be prepared to document the use of force. The commanding officer shall review the report for accuracy and will make recommendations on the appropriateness of the use of force in the given situation. This report will be forwarded through the chain of command to the Chief of Police. Commanding officers at each level will review the report for accuracy and will comment on the appropriateness of the use of force. For the purposes of this policy, an acting Sergeant is not considered a commanding officer.

### 9.1.1 DEFINITIONS

**Physical force:** Force used upon or directed toward the body of another person.

**Deadly force:** Force, which the officer knows to create a substantial risk of causing death or serious physical injury. Head, neck, throat, or clavicle injuries caused by an impact weapon of any sort can lead to death or serious physical injury. (Calea 1.3.2)

**Reasonable belief:** When facts or circumstances the officer knows or should know are such to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances. (Calea 1.3.2)

**Serious physical injury:** A bodily injury that:

- Creates a substantial risk of death to the victim;

# Louisville Metro Police Department

<b>Standard Operating Procedures</b>	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

## 9.1.1 DEFINITIONS (continued)

- Creates a prolonged impairment of health or prolonged disfigurement; or
- Creates a prolonged loss or impairment of a bodily organ. (Calea 1.3.2)

**Special Impact Munitions Systems:** Departmentally approved launchers and projectiles, with the ability to incapacitate with reduced potential for death or serious injury.

## 9.1.2 PROGRESSION OF FORCE

An officer shall, to the extent possible, utilize an escalating scale of options when using force. (NOBLE) However, officers are not required to utilize each of the available assets before escalating to the next asset. The degree of force utilized must be reasonable.

The levels of control in the continuum are:

- Officer Presence
- Verbal Direction
- Soft empty hand control and restraining devices
- Chemical agent
- Hard empty hand
- Impact Weapon
- Deadly Force

## 9.1.3 USE OF PHYSICAL FORCE

When an officer is confronted with a situation that may necessitate the use of physical force, he should call for additional officers when practical.

Should physical force be used in order to gain control of a situation, an officer shall use only that force which is reasonable to gain control of the subject. (NOBLE) Once a person is restrained or under control, the use of force is restricted to that which is reasonable to maintain control. Good judgment is extremely important in deciding which tactics to use and how much force to apply.

Officers are not required to allow any suspect to be the first to exercise force and gain an advantage in a physical confrontation. Officers are not required to engage in prolonged hand-to-hand combat before resorting to the use of force that will more quickly, humanely, and safely bring a resisting subject under physical control.

# Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

### 9.1.3 USE OF PHYSICAL FORCE (continued)

The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making or assisting in making an arrest, and he:

- Believes such force is necessary to effect the arrest;
- Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested and believes the arrest to be lawful.

An officer may also use physical force at any level when he believes such force is reasonable in order to:

- Defend himself/herself or
- Defend another person;

Physical force may be used if under the circumstances as the officer believes them to be, the person whom the officer seeks to protect would have been justified in using such force.

Officers may also use physical force:

- To prevent escape of an arrested person when the force could justifiably have been used to make the arrest under which the person is in custody;
- When moving or removing any person who is obstructing a lawful police action in such a manner that the lawful police action cannot be accomplished.
- To prevent a person from committing suicide or inflicting serious physical injury upon himself/herself.

### 9.1.4 INTERMEDIARY OPTIONS

All on duty officers, both uniform and plainclothes, will have on their person a departmentally approved impact weapon, and/or chemical agent. Having these alternatives available to all on duty personnel will increase an officer's options regarding the level of force when confronted with the necessity to gain control of a suspect.

### 9.1.5 USE OF CHEMICAL AGENTS

Officers are permitted to carry and use only chemical agents approved by the Department. The use of chemical agents should be consistent with Departmental training.

The use of a chemical agent is authorized in circumstances when the officer reasonably believes that a degree of force is necessary to overcome actual or anticipated resistance by the suspect. (Calea 1.3.4 and NOBLE)

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## 9.1.5 USE OF CHEMICAL AGENTS (continued)

Chemical Agents may also be used:

- As physical restraint or control of an aggressive person who is combative and presents a physical danger to himself/herself, the officer or any other person:
- On prisoners who attempt to escape, injure themselves, or damage property;
- In defense of any person.

Pepper Ball Guns:

Pepper ball guns can be utilized for a dual purpose, both as a chemical agent dispersal system and as an impact weapon. Unlike the Specialty Impact Munitions Systems (e.g. 40mm launcher/sock round), the pepper ball guns, when used as an impact weapon, should not cause death, even when striking prohibited areas. However, the head, neck and face should be avoided unless exigent circumstances exist.

## 9.1.6 POST USE OF CHEMICAL AGENTS

Officers will ensure that contaminated areas are treated in a manner consistent with the manufacturer's recommendations and departmental training as soon as practical.

Officers are required to contact appropriate medical personnel if the subject displays unusual reactions to the chemical agent. (Calea 1.3.5)

## 9.1.7 USE OF SPECIAL IMPACT MUNITIONS SYSTEMS

Special Impact Munitions Systems should only be utilized by officers trained in their use. These include the 40mm launcher and the sock round, which is fired from designated shotguns.

- The potential exists for specialty impact munitions projectiles to inflict injury or death when they strike the face, eyes, and neck, and officers should avoid intentionally striking those body areas unless a life-threatening situation exists. Each special impact munitions system should be used consistent with the training for that particular system.
- Lethal force backup must be in place as support prior to the deployment of special impact munitions systems.
- Anytime a special impact munition is used, the subject will be transported to the hospital for examination.

## 9.1.8 IMPACT WEAPONS

Impact weapons are authorized as a means of:

- a. Physical restraint or control:



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## 9.1.8 IMPACT WEAPONS (continued)

- b. Defense of any person.

Because of the potential for death or serious injury, officers will avoid intentional strikes to the head, neck, throat or clavicle with an impact weapon of any sort, unless deadly force is justified. (NOBLE)

## 9.1.9 USE OF DEADLY FORCE

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective, or exigent circumstances exist.

Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or another. (Calea 1.3.2)

Deadly force is authorized to apprehend a felony suspect when under the facts and circumstances known to the officer, it is reasonable to believe:

1. The arrest is for a felony involving the use of or threatened use of physical force likely to cause death or serious physical injury, and;
2. It is likely that the person to be arrested will clearly endanger human life unless apprehended without delay.

The officer must be able to justifiably articulate his or her actions.

If feasible, verbal warning shall be given before the use of deadly force. Warning shots are not permitted. (Calea 1.3.3) Deadly force is never authorized to apprehend a fleeing misdemeanor or non-violent felony suspect. (NOBLE)

Deadly force is also authorized to prevent the escape of an arrested person when deadly force could justifiably have been used to make the arrest under which the person is in custody (e.g. a serious, violent felony) and the officer believes the person is likely to endanger human life unless apprehended without delay.

Officers are authorized to discharge a firearm for the following purposes:

- In defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury, or as described in section 9.1.9 of this policy.
- As necessary against any animal that is gravely injured or poses a threat to persons, when no other disposition is practical and the safety of persons has been given prime consideration.

# Louisville Metro Police Department

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## 9.1.9 USE OF DEADLY FORCE (continued)

- Training and qualifications.

Officers discharging a firearm should remain cognizant of the following:

- The direction in which the firearm is to be discharged; and
- The danger of discharging a firearm while running or moving.

Officers shall not shoot from or at a moving vehicle unless necessary to return gunfire to protect human life, and when it does not create an unreasonable risk of harm to innocent persons.

## 9.1.10 DUTIES OF A COMMANDING OFFICER AT A "USE OF FORCE" SCENE.

The Commanding Officer will:

- Conduct a preliminary investigation into the use of force incident.
- Ensure medical treatment has been provided to any injured party.
- Photograph any injuries sustained by officers and/or any damage to equipment, uniforms, or property.
- Photograph the arrested subject to document any injury, or the lack of any injury. At least two stand up photos, one showing the front of the suspect and one showing the back, will be taken of all suspects charged with Resisting Arrest and Assault 3<sup>rd</sup> Degree of a police officer.
- Note witnesses.
- Ensure an Administrative Incident Report form is filled out correctly and forward through the chain of command or complete the Administrative Incident Report if the officer is unable to do so.

Nothing in this policy shall prohibit officers, when an Administrative Incident Report is not required, from either taking photographs of prisoners to document lack of injury, or from requesting a commanding officer to respond to the scene.

# GENERAL ORDER



Title	
<b>Use of Force</b>	
Series / Number	
<b>GO – RAR – 901.07</b>	
Effective Date	Distribution
<b>October 7, 2002</b>	<b>B</b>
Replaces / Rescinds	
<b>General Order 901.7 (Use of Force)</b>	
Related to	
<b>General Order RAR-901.08 (Use of Force Investigations)</b>	
<b>General Order RAR-901.09 (Use of Force Review Board)</b>	

## DISTRICT OF COLUMBIA

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### I. BACKGROUND

The legal limitations on the use of force by District of Columbia law enforcement officers are expressed in D.C. Code § 4-176 (Use of Wanton or Unnecessary Force) and in District of Columbia Municipal Regulations (DCMR), Title 6A, Section 207 (Use of Firearms and Other Weapons).

6A DCMR Section 207.1 provides, among other things, that a member is allowed to “use only the minimum amount of force, which is consistent with the accomplishment of his or her mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.”

6A DCMR Section 207.2, provides, among other things, that no member shall discharge a firearm in the performance of police duties except to “defend himself or herself or herself or another from an attack which the officer has reasonable cause to believe could result in death or serious bodily injury”; or to “effect the arrest or to prevent the escape, when every other means of effecting the arrest or preventing the escape has been exhausted, of a person who has committed a felony or has attempted to commit a felony . . . . Provided, that the felony for which the arrest is sought involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury; and provided further, that the lives of innocent persons will not be endangered if the officer uses his or her firearm; . . . .”

The Fourth Amendment of the U.S. Constitution guarantees citizens the right “to be secure in their persons . . . against unreasonable . . . seizures” of the person. The Supreme Court has stated that the Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or

motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (*Graham v. Connor*, 490 U.S. 386, 396-397 [1989]).

With respect to the use of deadly force, the Supreme Court in *Tennessee v. Garner*, 471 U.S. 1, 11-12, held that "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens an officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given." (CALEA 1.3.2)

## II. POLICY

The policy of the Metropolitan Police Department is to value and preserve human life when using lawful authority to use force. Therefore, officers of the Metropolitan Police Department shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. (CALEA 1.3.1)

## III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

- A. **Deadly Force** – any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.
- B. **Non-Deadly Force** – any use of force that is neither likely nor intended to cause death or serious physical injury.
- C. **Serious Use of Force** – lethal and less-than-lethal actions by MPD officers including:
  - 1. all firearm discharges by an MPD officer with the exception of range and training incidents and discharges at animals;
  - 2. all uses of force by an MPD officer resulting in a broken bone or an injury requiring hospitalization;
  - 3. all head strikes with an impact weapon;

4. all uses of force by an MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;
  5. all other uses of force by an MPD officer resulting in a death; and
  6. all incidents where a person receives a bite from an MPD canine.
- D. **Use of Force** – any physical contact used to effect, influence or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing or hand control procedures that do not result in injury.
- E. **Use of Force Indicating Potential Criminal Conduct by a Member** – includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member.
- F. **Serious Physical Injury** – any injury that results in hospitalization and that creates a substantial risk of death, serious disfigurement, disability or protracted loss or impairment of the functioning of any body part or organ.
- G. **Less-Than-Lethal Weapons** – any object or device deployed with the intent or purpose of eliminating a threat without causing death. These include, but are not limited to, a 37 mm gas gun containing a cloth bag filled with small lead shot pellets, rubber bullets, batons, OC Spray, A.S.P. (Armament System Procedures) tactical batons.
- H. **Use of Force Continuum** – a training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the member's commands. Such response may progress from the member's actual physical presence at the scene to the application of deadly force.
- I. **Objective Reasonableness** – Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.

## IV. RULES

- A. No member of the Metropolitan Police Department shall discharge his/her firearm under the following circumstances:
1. As a warning. (CALEA 1.3.3)
  2. Into a crowd.
  3. At or from a moving vehicle, unless deadly force is being used or threatened against the member or another; situations where a moving vehicle itself constitutes the use of deadly force, such as when a subject intentionally tries to run an officer down with his or her vehicle. In those instances, an officer's use of deadly force may be reasonable and justifiable. However, members shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them. (CALEA 1.3.4)
  4. In a felony case which does not involve an actual attack, but involves a threatened attack, unless the member has reasonable cause to believe the threatened attack is imminent and could result in death or serious bodily injury. (CALEA 1.3.2)
  5. In any misdemeanor offense, unless under exceptional circumstances.
  6. Solely to protect property interests.
  7. To stop an individual on mere suspicion of a crime simply because the individual runs away.
- B. No member shall draw and point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or holstered.
- C. When feasible, members shall identify themselves as a police officer and issue a warning before discharging a firearm.
- D. No member of the Metropolitan Police Department, in the normal exercise of his or her responsibilities, shall carry, use or discharge any firearm or other weapon, except those issued or approved for use by the Metropolitan Police Department under direction of the Chief of Police. (CALEA 1.3.9)
- E. No member of the Metropolitan Police Department shall carry, use, or discharge any unauthorized ammunition in their issued service weapons. Members are prohibited from obtaining service ammunition from any source except through official departmental channels. Members are further required to carry only the requisite amount of service ammunition as applicable to the authorized service weapon they are utilizing. (CALEA 1.3.9)

- F. Any excessive force by a member will subject him or her to disciplinary action and possible criminal prosecution or civil liability.
- G. Any violation of these rules will subject members to disciplinary action.

## V. REGULATIONS

When force is necessary, District of Columbia regulations require members to use the minimum level of force that is necessary to accomplish a police mission. (CALEA 1.3.1) Members are not required to start at the lowest level of the options listed in the Use of Force Continuum. Members should select the appropriate level of force based on what a reasonable member and the circumstances require (See attached Use of Force Continuum chart).

### A. Prompt Medical Attention

When any level of force is used, there shall be a visual and verbal check of the subject to ascertain whether the subject is in need of medical care. Medical assistance shall be summoned immediately if a person is physically injured in any way, complains of pain, or demonstrates life-threatening symptoms. (CALEA 1.3.5)

### B. Use of Force Continuum (CALEA 1.2.7)

In determining what level of force to use, it is important to consider the seriousness of the crime, the level of threat or resistance presented by the suspect, the imminence of danger, and the suspect's mental capacity. Only the minimum level of force needed to obtain control that the objectively reasonable officer would use in light of the circumstances shall be used.

All members who encounter a situation where the possibility of violence or resistance to lawful arrest is present should, if possible, defuse the situation through advice, warning and verbal persuasion.

In the event that a situation escalates beyond the effective use of verbal diffusion techniques, members are authorized to employ Department-approved compliance techniques and Department-issued defensive weapons.

1. The Department recognizes and employs the Use of Force Continuum. Members in response to resistant or dangerous individuals may apply escalating options of force (see Use of Force Continuum Chart attached). The options include:
  - a. Cooperative Controls, such as verbal persuasion;
  - b. Contact Controls, such as hand control procedures, firm grip, escort and control holds;

- c. Compliance Techniques, such as Oleoresin Capsicum (OC) Spray (non-deadly);
  - d. Defensive Tactics, such as less-than-lethal weapons, including impact weapons, such as a baton, or ASP, and including less-than lethal projectiles used by the Emergency Response Team and during times of civil disobedience (e.g., 12 gauge shotgun, 37mm gas guns, and rubber bullets), and canines.
  - e. Deadly Force (including deadly applications of less-than-lethal weapons).
2. The patrol supervisor, if present where there is a violent or resisting subject, shall direct and control all activity.
  3. Members shall modify their level of force in relation to the amount of resistance offered by a subject. As the subject offers less resistance, the member shall lower the amount or type of force used. Conversely, if resistance escalates, members are authorized to respond in an objectively reasonable manner. (CALEA 1.3.1)
  4. Issued defensive weapons may be employed in response to the threat level recognized by an objectively reasonable police member in the circumstances as necessary to protect himself/herself or another from physical harm, to restrain or subdue a resistant individual, and to bring an unlawful situation safely and effectively under control.
- C. Authorized Use of Non-Deadly Force (CALEA 1.3.4)**
1. When using force, members must be able to articulate the facts and circumstances surrounding the force used in any given situation.
  2. Only objectively reasonable force may be used to respond to threats or resistance in every situation.
  3. A member's decision to use non-deadly force must involve one or more of the following:
    - a. To protect life or property.
    - b. To make a lawful arrest.
    - c. To prevent the escape of a person in custody.
    - d. To control a situation and/or subdue and restrain a resisting individual.



4. A member shall use only that option of force on the Department's Use of Force Continuum that is reasonably necessary to bring the situation under control. If de-escalation does not work, the member may use an increasing level of force to overcome the level of resistance. As soon as the incident is under control, the member's use of force should diminish proportionally. (CALEA 1.3.1)

**D. Authorized Use of Deadly Force** (CALEA 1.3.2)

1. Defense of Life

- a. Members of the Metropolitan Police Department may use deadly force in the performance of police duties:
  - (1) When it is necessary and objectively reasonable **AND**,
  - (2) To defend himself/herself or another from an actual or threatened attack that is imminent and could result in death or serious bodily injury.
- b. Members shall not draw and point a firearm at or in the direction of a person unless the officer has an objectively reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or re-holstered.

2. Fleeing Felon

Members may use deadly force to apprehend a fleeing felon **ONLY** when every other reasonable means of affecting the arrest or preventing the escape has been exhausted **AND**,

- a. The suspect fleeing poses an immediate threat of death or serious bodily harm to the member or others; **OR** (CALEA 1.3.2)
- b. There is probable cause to believe the crime committed or attempted was a felony, which involved an actual or threatened attack which could result in death or serious bodily harm; **AND**
  - (1) There is probable cause to believe the person fleeing committed or attempted to commit the crime, **AND**
  - (2) Failure to immediately apprehend the person places a member or the public in immediate danger of death or serious bodily injury; **AND**
  - (3) The lives of innocent persons will not be endangered if deadly force is used.

3. Warning to Subject

When feasible, members shall identify themselves as police officers and issue a warning before discharging a firearm.

**E. Less-Than-Lethal Projectiles (CALEA 1.3.4)**

1. The objective of less-than-lethal projectiles is to save human life.
2. Consistent with the Department's philosophy of using only the minimum amount of force necessary to control or subdue potentially violent subjects, less-than-lethal projectiles may be used only by authorized members with appropriate specialized training.
3. During instances of civil disobedience, less-than-lethal weapons may only be used to subdue or incapacitate a subject to prevent imminent physical harm to the officer or another person and shall be used only at the direction of the official in charge of the scene. All other use, by any other member, is strictly prohibited.

**F. Prohibitions**

1. No member shall carry any Department-issued weapon prior to successfully completing Department-approved training courses directed by the Chief of Police. (CALEA 1.3.10)
2. Under no circumstances shall a member carry or use blackjacks, saps, nunchakus, kempo sticks, brass knuckles, or weighted gloves or other unauthorized weapons.
3. Members shall not employ any form of neck restraint except when an imminent threat of death or serious physical injury exists, and no other option is available.
4. Whenever it becomes necessary to take a violent or resisting subject into custody, the responding member shall utilize appropriate tactics in a coordinated effort to overcome resistance.
5. Members shall avoid the use of flashlights, radios or any items not issued specifically as a defensive weapon as a means of force, except when an imminent threat of death or serious physical injury exists, and no other option is available.

**G. Positional Asphyxia Precautions**

When necessary to restrain subjects, members shall:

1. Make every effort (whenever possible) to avoid tactics, which may impede a subject's ability to breathe, which may result in chest or throat compressions, or airway blockage.

2. Position the individual in a manner to allow free breathing, once he or she has been controlled and placed under custodial restraint using handcuffs and other authorized methods. The subject shall not be maintained or transported in a face down position.
3. Seek medical assistance immediately if a person appears to be having difficulty breathing or is otherwise demonstrating life-threatening symptoms (such as positional asphyxia). The patrol supervisor shall direct that alternative means to maintain custody be utilized, if appropriate.
4. The unauthorized use of restraints and the transportation of subjects in a face down position within any vehicle are prohibited.

## VI. PROCEDURAL GUIDELINES

### Notification and Reporting of a Use of Force Incident

#### 1. Incidents To Be Reported

The Use of Force Incident Report (PD Form 901-e) shall be completed in all of the following situations: (CALEA 1.3.6)

- a. all Use of Force incidents (except Cooperative or Contact Controls, e.g., mere presence, verbal commands or submissive handcuffing, unless there has been a resulting injury or the subject complains of pain following the use of Cooperative or Contact Controls);
- b. any time when an officer is in receipt of an allegation of excessive use of force; or
- c. whenever a member draws and points a firearm at or in the direction of another person.

#### 2. Member Responsibilities

Members shall notify their supervisor and complete a PD Form 901-e (Use of Force Incident Report) immediately following any use of force, receipt of an allegation of excessive force, or immediately following the drawing of and pointing a firearm at or in the direction of another person.

#### 3. Supervisor Responsibilities

When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.

**VII. CROSS REFERENCES**

**A. Related Directives**

1. GO OPS-301.03 (Operation of Emergency Vehicles, Fresh Pursuit and Vehicular Pursuit)
2. GO OPS-304.10 (Police-Citizen Contacts, Stops and Frisks)
3. GO RAR-306.01 (Canine Teams)
4. GO RAR-901.01 (Handling of Service Weapons)
5. GO RAR-901.04 (Oleoresin Capsicum Spray Dispensers)
6. GO-RAR-901.08 (Use of Force Investigations)
7. GO RAR-901.09 (Use of Force Review Board)

**B. Court Opinions**

1. Tennessee v. Garner, 471 U.S. 1, 11-12 (1985)
2. Graham v. Connor, 490 U.S. 386 (1989), 104 L. Ed 2d 443, 447
3. Saucier v. Katz, 533 U.S. 194 (June 18, 2001)

**C. Laws and Regulations**

1. D.C. Code §4-176 (Use of Wanton or Unnecessary Force)
2. D.C. Municipal Regulations, Title 6A, Section 207 (Use of Firearms and Other Weapons)

**D. Other**

1. CALEA Standards Section 1.3 (Use of Force)
2. IACP Model Policy (Use of Force)

**E. Related Form**

1. PD Form 901-e (Use of Force Incident Report) [electronic version]
2. PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

Charles H. Ramsey  
Chief of Police

Attachment: Use of Force Continuum Chart  
PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

CHR:NMJ:JAE:MAR:AFA:afa

# CIRCULAR



Title	
PD Form 901-e (Use of Force Incident Report)	
Series / Number	
CIR – 02-13	
Effective Date	Distribution
October 7, 2002	B
Related to	
General Order 901.07 (Use of Force)	
General Order 901.08 (Use of Force Investigations)	

## DISTRICT OF COLUMBIA

### INTRODUCTION OF NEW REPORTING REQUIREMENT

The purpose of this circular is to introduce the Department's new Use of Force Incident Report (UFIR). In June 2001, the Metropolitan Police Department and the City entered into an agreement with the U.S. Department of Justice to improve its use of force policies and procedures. Part of this agreement requires MPD to track all uses of force using a Use of Force Incident Report. An automated electronic version of this report (designated as PD Form 901-e) has been designed, but is not yet operational. As an interim measure, a hard copy paper form will be used (designated as **PD Form 901-hc**). When the electronic version is finalized, members will be able to access it via the Department's intranet.

Members shall notify their supervisor immediately following any use of force or receipt of an allegation of excessive force, and the member using the force shall complete the Use of Force Incident Report. Additionally, members shall complete a Use of Force Incident Report immediately following the drawing of and pointing a firearm at or in the direction of another person. (MOA ¶ 53) CS numbers shall be obtained from the Office of Professional Responsibility.

The hard copy UFIR is five (5) pages, with four (4) supplements. The first 5 pages shall be utilized in incidents involving one member. Members shall use the supplemental officer, subject and witness forms when there are multiple officers, subjects or witnesses in an incident. Any additional property damage shall be noted on the supplemental form for property. Please note that the UFIR is an added report and does not replace any other MPD form. Members are still required to complete all other applicable reports, such as PD 251 and PD 76, etc.

A member may decline to complete the Use of Force Incident Report immediately following an incident. However, the supervisor shall compel the member to complete the form following a USAO declination or the issuance of a Reverse Garrity warning.

Charles H. Ramsey  
Chief of Police

CHR:NMJ:JAE:MAR:LS:afa

Attachment

# GENERAL ORDER



Title	
Use of Force Investigations	
Series / Number	
GO - RAR - 901.08	
Effective Date	Distribution
October 7, 2002	B
Related to	
General Order RAR-901.07 (Use of Force)	
General Order RAR-901.09 (Use of Force Review Board)	

## DISTRICT OF COLUMBIA

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### I. BACKGROUND

Accurate and timely reporting of use-of-force incidents is essential for Department monitoring and training. Fair and accurate follow-up investigations, especially in use of force situations involving firearms or serious bodily injury or death, allow the Department and community to learn of the integrity and appropriateness of such decisions. It enables the Department to make decisions regarding the incident and to provide further necessary guidance to members on appropriate levels of use of force.

### II. POLICY

The Metropolitan Police Department has established the following statements of policy guidance regarding the use of force:

- A. The policy of the Metropolitan Police Department is to value and preserve human life when using lawful authority to use force. Therefore, members of the Metropolitan Police Department shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others.
- B. The decision to use force of any level should be based on the danger posed by the subject, rather than the nature or category of the incident. That decision must be based on the circumstances that a reasonable member believes exist. (CALEA 1.3.1)
- C. A decision to use deadly force should be based on a member having probable cause to believe that the suspect poses an imminent threat of serious physical harm, either to the member or to others. (CALEA 1.3.2)

### III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

- A. **Deadly Force** – any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.
- B. **Non-Deadly Force** – any use of force that is neither likely nor intended to cause death or serious physical injury.
- C. **Serious Use of Force** – lethal and less-than-lethal actions by MPD members including:
  - 1. All firearm discharges by an MPD member with the exception of range and training incidents and discharges at animals;
  - 2. All uses of force by an MPD member resulting in a broken bone or an injury requiring hospitalization;
  - 3. All head strikes with an impact weapon;
  - 4. All uses of force by an MPD member resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ.
  - 5. All other uses of force by an MPD member resulting in a death; and
  - 6. All incidents where a person receives a bite from an MPD canine.
- D. **Use of Force** – any physical contact used to effect, influence or persuade an individual to comply with an order from an officer. The term shall not include un-resisted handcuffing or hand control procedures that do not result in injury.
- E. **Use of Force Indicating Potential Criminal Conduct by a Member** – includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member.
- F. **Serious Physical Injury** – any injury that results in hospitalization and that creates a substantial risk of death, serious disfigurement, disability or protracted loss or impairment of the functioning of any body part or organ.
- G. **Less-Than-Lethal Weapons** – any object or device deployed with the intent or purpose of eliminating a threat without causing death. These include, but

are not limited to, a 37 mm gas gun containing a cloth bag filled with small lead shot pellets, rubber bullets, batons, OC Spray, A.S.P. (Armament System Procedures) tactical batons.

- H. **Use of Force Continuum** – a training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the member's commands. Such response may progress from the member's actual physical presence at the scene to the application of deadly force.
- I. **Objective Reasonableness** – reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.
- J. **Duty Status** – the relief of a member as an immediate interim step to preclude any further action concerning the incident by the involved member(s). *Note:* policing responsibilities as defined here is used only in the context of serious use of force incidents. (CALEA 1.3.8)
- K. **Probable Cause** -- where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution or prudence in the belief that a certain person has committed, is committing, or is about to commit a criminal act. (CALEA 1.3.2)

#### IV. REGULATIONS

- A. The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving Deadly Force, Serious Use of Force or the Use of Force Indicating Potential Criminal Conduct (see definitions).
- B. The Office of the Superintendent of Detectives shall be responsible for investigating the offense leading up to the use of force, where applicable.
- C. The member's Element Commander or Director shall be responsible for the investigation of all use of force incidents not involving Deadly Force, a Serious Use of Force or a Use of Force Indicating Potential Criminal Conduct. The Element Commander or Director may delegate responsibility for conducting the investigation to another official who must be of a higher rank than the involved member.
- D. The Use of Force Incident Report (PD Form 901-e) shall be completed by the involved officer in all of the following situations:
  - 1. all Use of Force incidents (except Cooperative or Contact Controls, e.g., mere presence, verbal commands or submissive handcuffing,



- unless there has been a resulting injury or the subject complains of pain following the use of Cooperative or Contact Controls);
2. any time when an officer is in receipt of an allegation of excessive use of force; or
  3. whenever a member draws and points a firearm at or in the direction of another person.
- E. Members shall notify their supervisor and complete a PD Form 901-e (Use of Force Incident Report) immediately following any use of force, receipt of an allegation of excessive force, or immediately following the drawing of and pointing a firearm at or in the direction of another person.
- F. When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.
- G. The Department's Use of Force Review Board shall be responsible for reviewing all use-of-force incidents as required by GO RAR – 901.09 (Use of Force Review Board). (CALEA 1.3.7)
- H. When a subject has sustained visible injuries or expresses complaints of pain as a result of a member's use of force, the injured subject shall be provided immediate medical assistance for the treatment of those injuries.
- I. FIT shall prepare a transmittal document to the Mayor describing the circumstances of any accidental or performance-of-duty firearm discharge.

**V. PROCEDURAL GUIDELINES**

**A. Initial Response Duties at the Scene of a Use of Force**

1. When a Metropolitan Police member becomes involved in a use-of-force incident that requires a Use of Force Incident Report, the initial responsibilities of the officer(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. When a subject is suffering from or complains of injuries, he or she shall be immediately taken to the Hospital for examination and treatment pursuant to GO PCA-502.07 (Medical Treatment and Hospitalization of Prisoners).
3. District Watch Commanders and/or appropriate element supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.

4. If the use of force occurs outside the District of Columbia, members shall make notifications in accordance with Section V.-F. of this order and GO RAR-901.01 (Handling of Service Weapons). An official from the involved member's organizational element shall also respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team shall only conduct a policy review in this circumstance.

## **B. Notification and Reporting of a Use of Force Incident**

### **1. Member Responsibilities**

- a. In all uses of force requiring a Use of Force Incident Report, the member shall immediately notify his/her supervisor of the use of force, intentional or unintentional, exercised by the member, any allegation of excessive force made against the member, or immediately following the drawing of and pointing a firearm at or in the direction of another person, and shall promptly complete the Use of Force Incident Report.
- b. Members who observe the use of force by another member or are aware of a complaint regarding the use of force by another member shall notify their supervisor of any knowledge they have concerning the incident and shall cooperate with their supervisor and the Force Investigation Team as may be appropriate.

### **2. Supervisor Responsibilities**

When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.

## **C. Investigation of Offense Leading Up to the Use of Force**

1. The Office of the Superintendent of Detectives (OSD) shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up to the use of force. An OSD official shall designate a lead investigator for the crime that led up to the use of force.
2. The OSD is responsible for handling the arrest and processing of any individual charged as a result of the offense leading up to the use of force.
3. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.

4. The Forensic Science Services Division Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.

**D. Investigation of Use of Force Incidents  
Within the District of Columbia**

**1. Rights of Officers Before USAO Declination Has Been Made**

In all cases involving serious use of force, or any other force indicating potential criminal misconduct by an officer, the subject officer(s) will not be compelled or ordered to make a statement (which includes interview by video or tape-recording) until the USAO has issued a written declination.

**2. Interviewing Subjects, Members and Witnesses (General)**

In conducting administrative misconduct investigations involving a serious use of force or serious physical injury (following a criminal declination where applicable), the appropriate investigators shall include, subject to and in conformance with applicable MPD directives, the following measures:

- a. Whenever practicable and appropriate, complainants and witnesses shall be interviewed at sites and times convenient for them, including at their residences or places of business.
- b. Officers involved in a use of force incident shall be sequestered until they are interviewed by a member of FIT or by appropriate supervisory personnel.
- c. Group interviews are prohibited.
- d. Supervisors of the involved members subject to the investigation shall be notified, as appropriate.
- e. All appropriate MPD members, including supervisors, shall be interviewed.
- f. Investigators shall ensure that all appropriate evidence is collected, preserved, and analyzed, including canvassing the scene to locate witnesses and obtaining complainant medical records, where appropriate.
- g. Investigators shall tape record or videotape interviews of complainants, involved officers, and material witnesses in investigations involving a serious use of force or serious physical injury (subject to and in conformance with applicable

law). If a complainant or non-officer witness refuses to be tape-recorded or videotaped, then a written narrative of the statement shall be prepared to be signed by the complainant or non-officer witness.

- h. Any inconsistencies in officer and witness interview statements gathered during the investigation shall be identified and reported in writing.

**3. Response to Deadly Force, Serious Use of Force Incident or a Use of Force Indicating Potential Criminal Conduct**

The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving Deadly Force, Serious Use of Force or the Use of Force Indicating Potential Criminal Conduct. In such instances, the following procedures shall apply:

- a. When a member reports any use of force or accusation of force, a supervisor from the district of occurrence (of higher rank than the reporting member) is required to respond to the scene.
- b. The supervisor shall notify the Force Investigation Team and the Office of the Superintendent of Detectives through the Communications Division and the Synchronized Operations Command Center (SOCC).
- c. The supervisor shall maintain and preserve the scene and canvass and gather witnesses.
- d. The supervisor shall provide the assistance of District personnel to the Force Investigation Team in conducting the investigation of the incident, as necessary.
- e. In cases of use-of-force incidents within the investigative jurisdiction of the Force Investigation Team, FIT members shall be responsible for the following:
  - (1) Submitting a preliminary report of investigation to the Assistant Chief, Office of Professional Responsibility, prior to being relieved from duty.
  - (2) Notifying and consulting with the United States Attorney's Office (USAO), within 24 hours or the next business day, of any use of force incident involving deadly force, a serious use of force, or any force indicating potential criminal misconduct by a MPD member.

- (3) Forwarding all completed investigations, through the Assistant Chief of the Office of Professional Responsibility, to the Use of Force Review Board.
  - (4) Completing every aspect of the investigation of use of force incidents within 90 days of the date FIT receives a Letter of Declination from the USAO or the termination of the criminal prosecution of the member.
- f. The Force Investigation Team shall reserve the right and have the authority to assume control of any force-related incidents. Their primary responsibility, however, shall be the investigation of uses of deadly force, serious use of force incidents and uses of force indicating potential criminal conduct.

4. **Response to Incidents Not Involving Deadly Force, a Serious Use of Force nor Indicating Potential Criminal Conduct**

Chain of command district or division supervisors shall investigate all use-of-force incidents not investigated by the Force Investigation Team. In such instances, the following procedures shall apply:

- a. When a member reports any use of force or accusation of force, a supervisor (of higher rank than the reporting member) is required to respond to the scene.
- b. No supervisor who was involved in the incident shall be responsible for the investigation of the incident.
- c. The supervisor shall notify the Office of the Superintendent of Detectives through the Communications Division and the Synchronized Operations Command Center (SOCC).
- d. The supervisor shall respond to the scene of the incident and locate and interview witnesses and document their statements on a PD Form 119 (Complainant/Witness Statement).
- e. When a member has used force, which is not considered a serious use of force or any other force indicating potential criminal misconduct and an administrative investigation/policy review has commenced, the member shall complete forms and reports consistent with MPD policies.
- f. The supervisor shall ensure that the following steps are taken:
  - (1) Document and photograph any injuries to involved members.
  - (2) Interview and photograph any person on whom force was used.

- g. The supervisor shall complete and submit a preliminary report to the Element Commander or Director within 24 hours.
- h. The supervisor shall ensure that the Force Investigation Team is notified for tracking purposes.
- i. The Final Investigative Report will be completed by the supervisor/manager as designated by the Element Director or Commander.
- j. At the discretion of the Chief of Police or his designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigation Team.

**E. Handling Use of Force Incidents Indicating Potential Criminal Conduct**

- 1. The United States Attorney's Office shall make the determination as to whether criminal wrongdoing is present in any use of force incident.
- 2. The Force Investigation Team shall consult with the United States Attorney's Office for the District of Columbia about incidents of Deadly Force, Serious Use-of-Force, Use of Force Indicating Potential Criminal Conduct, and in-custody deaths involving Metropolitan Police Department officers.
- 3. When evidence of criminal wrongdoing is determined as a result of a member being involved in a use-of-force incident, members from the Force Investigation Team shall coordinate prosecutorial needs between the U.S. Attorney's Office or other appropriate prosecuting entity and the affected organizational element and/or investigative unit, and shall serve as a liaison with other applicable local and federal law enforcement agencies.
- 4. In cases where the United States Attorney's Office has not issued a written declination, the subject officer shall not be compelled or ordered to make a statement.
- 5. The Force Investigation Team is responsible for handling all arrests of police officers in regards to a use of force.

**F. Processing Use of Force Incidents by MPD Members Outside of the District of Columbia**

When a member is involved in a use of deadly force *outside* of the District of Columbia, whether on or off duty:

1. The member shall immediately notify the Watch Commander of his/her element through the Communications Division and SOCC who shall notify the Force Investigation Team.
2. The Force Investigation Team shall respond immediately.
3. The appropriate law enforcement authority of the jurisdiction of occurrence will maintain primary responsibility for conducting a criminal investigation of the underlying matter.
4. The Force Investigation Team shall initiate a concurrent investigation, and shall work closely with the investigator/official from the originating police jurisdiction that is investigating the primary criminal offense. In cases where the United States Attorney's Office or the competent prosecutorial authority has not yet issued a written declination, FIT shall not compel or order a subject officer to make a statement.

**G. Processing In-Custody Deaths**

1. When a Metropolitan Police Department officer becomes aware of a possible in-custody death, the initial responsibilities of member(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. Deaths occurring while a subject is in custody shall be reported to both the Force Investigation Team and the Office of the Superintendent of Detectives.
3. In cases involving in-custody deaths, the Office of the Superintendent of Detectives shall respond to the scene and be responsible for completing the PD 120 (Death Report).
4. The Force Investigation Team shall consult with the United States Attorney's Office for the District of Columbia about in-custody deaths involving subjects that were in Metropolitan Police Department custody.

**H. Determination of Duty Status of Involved Officer**

1. Immediately following a Serious Use of Force incident in which a serious injury occurs or any in-custody death, the Element Commander or Director (or the highest ranking official on the scene from the involved

officer's element) shall relieve the involved member of his or her normal policing responsibilities. (CALEA 1.3.8).

2. Determination as to the permanent duty status of the involved member shall be made pursuant to GO RAR-901.11 (Force-Related Duty Status Determination).
3. The Force Investigation Team shall be responsible for handling all arrests of police officers with regard to a use of force.

**I. Command Support Responsibilities**

1. The Office of Professional Responsibility (OPR) shall, in use of force incidents, be responsible for the dissemination of Complaint System Numbers for all reported incidents.
2. OPR shall enter and maintain the database for information relative to all uses of force.
3. District or Division Commanders shall ensure that:
  - a. Force Investigation Team members are immediately notified of any incident involving use of force through the Communications Division.
  - b. All uses of force are reported in writing to the Office of Professional Responsibility and that Complaint System Numbers are obtained within one hour of the incident. (CALEA 1.3.6 a – d)
  - c. All use of force incidents are investigated.
  - d. A designated management official from the police district where the incident occurred (or, if in another jurisdiction, a management official from the involved member's assigned element) responds to the scene.
  - e. A copy of the Use of Force Incident Report is forwarded to OPR and the affected element's detectives' office for the purpose of entering relevant information into WACIIS.
  - f. The Office of Professional Responsibility is notified if there is evidence of any wrongdoing as a result of a member being involved in any use of force investigated at the command level.
  - g. The final investigative report of the use of force incident, with recommendations and conclusions, is forwarded, through the chain of command, to the Use of Force Review Board within 60 days of the use-of-force incident, absent special circumstances.



- h. All completed investigations are forwarded to the Use of Force Review Board.
4. The Office of the Superintendent of Detectives (OSD) shall respond and assume primary responsibility for conducting a criminal investigation of the underlying matter (e.g., robbery, burglary, theft, etc.)
5. When requested, the Synchronized Operations Command Center (SOCC) shall be available to assist members of the Force Investigation Team in facilitating requests to other Department elements or outside agencies.

#### **J. Routine Reports and Follow-up Duties**

It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:

- PD Forms 251, 252 (Incident Report Forms)
- PD Form 77 (Temporary Change of Duty Status Report)
- Adherence to Medical Services Division and Employee Assistance program follow-up
- PD Form 42 (Medical/Injury Reports) & Certification
- PD Form 43 (Property Damage Report) & Certification
- Service weapon replacement
- Processing of the injured/arrested person (where applicable)
- Guard details

#### **K. Investigative Report Contents and Completion Schedules**

1. In instances of deadly force, serious use of force, or any use of force indicating potential criminal misconduct by an officer, the Force Investigation Team preliminary report of investigation shall be forwarded, to the Chief of Police, through the chain of command, within twenty-four hours. A transmittal document to the Mayor of the District of Columbia from the Chief of Police shall also be completed.

2. In instances of deadly force, serious use of force, or any use of force indicating potential criminal misconduct by an officer, the Force Investigation Team shall complete a final investigative report with conclusions and recommendations within ninety (90) days of receiving a Letter of Declination from the USAO or the conclusion of a criminal prosecution (absent special circumstances that must be documented).
3. The final investigative report shall include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings.
4. The proposed findings shall include: a determination of whether the force was consistent with MPD policy and training, a determination of whether proper tactics were employed, and a determination whether lesser force alternatives were reasonably available.
5. To ensure comprehensive and timely completion of investigations by the Force Investigation Team, the Office of the Superintendent of Detectives shall liaison and provide full cooperation with members of the Force Investigation Team.
6. The Office of the Superintendent of Detectives shall forward immediately a duplicate copy of all reports, communications, and information related to an enumerated use-of-force incident to the Force Investigation Team.
7. The Forensic Science Services Division (to include the Mobile Crime Lab and Firearms Examination Unit) shall forward immediately a duplicate copy of all reports, communications, diagrams, lab results, and other related information to the Force Investigation Team.
8. The Director, Communications Division, shall ensure that duplicates of all related radio communication tapes of a use-of-force incident are immediately provided to the Force Investigation Team.
9. The Director, Information Technology, shall ensure that computer related communications (MDC Terminals) concerning a use-of-force incident are immediately provided to the Force Investigation Team.
10. The Force Review Operations Liaison of the Force Investigation Team shall maintain a repository of electronic and paper copies of Preliminary and Final Investigative Reports completed by the Force Investigation Team. In addition, the liaison will ensure coordination with the department's Use of Force Review Board.

11. Force Investigation Team final investigative report findings shall reflect both the criminal and policy findings. They shall be classified as follows:
  - **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate department policy.
  - **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject officer violated a department policy.
  - **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and tactical improvement endeavors.
  - **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a department policy.
12. The standard of review in a criminal investigation is *probable cause*. The standard of review in a policy review (administrative) investigation is a *preponderance of the evidence*.
13. When allegations of excessive force or misconduct are made, the Force Investigation Team or the Office of Internal Affairs (whichever is applicable), shall make one of the following dispositions:
  - a. **Unfounded:** Where the investigation determined that there are no facts to support the incident complained of actually occurred.
  - b. **Sustained:** Where the person's allegation is supported by a preponderance of the evidence to determine that the incident occurred and the actions of the officer were improper.
  - c. **Insufficient Facts:** Where there are insufficient facts to decide whether the alleged misconduct occurred.
  - d. **Exonerated:** Where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

**L. Use of Force Review Board (UFRB)**

1. The UFRB shall conduct timely reviews of all use of force investigations pursuant to GO RAR – 901.09 (Use of Force Review Board).
2. Based on its review of the use of force incidents from throughout the Metropolitan Police Department, the Use of Force Review Board shall act as a quality control body for all use of force investigations and shall forward policy and training recommendations to the Chief of Police or his designee.
3. A thorough review of all use-of-force incidents shall be conducted annually by the UFRB to reveal patterns or trends that would indicate training needs, equipment upgrades, or policy modifications. (CALEA 1.3.7 and 1.3.13)

**VI. CROSS REFERENCES****A. Related Directives**

1. GO OPS-304.10 (Police-Citizen Contacts, Stops and Frisks)
2. GO RAR-306.01 (Canine Teams)
3. GO PCA-502.07 (Medical Treatment and Hospitalization of Prisoners)
3. GO RAR-901.01 (Handling of Service Weapons)
4. GO RAR-901.04 (Oleoresin Capsicum Spray Dispensers)
5. GO RAR-901.07 (Use of Force)
6. GO RAR-901.09 (Use of Force Review Board)
7. GO RAR-901.11 (Force-Related Duty Status Determination)

**B. Court Opinions**

1. Tennessee v. Garner, 471 U.S. 1, 11-12 (1985)
2. Graham v. Connor, 490 U.S. 386 (1989), 104 L. Ed 2d 443, 447
4. Saucier v. Katz, 533 U.S. 194 (June 18, 2001)

**C. Laws and Regulations**

1. D.C. Code §4-176 (Use of Wanton or Unnecessary Force)
2. D.C. Municipal Regulations, Title 6A, Section 207 (Use of Firearms and Other Weapons)

**D. Other**

1. CALEA Standards Section 1.3 (Use of Force)
2. IACP Model Policy (Use of Force)

**E. Related Forms**

1. PD Form 901-e (Use of Force Incident Report)
2. PD Form 42 (Medical/Injury Reports)
3. PD Form 43 (Property Damage Report)
4. PD Form 77 (Temporary Change of Duty Status Report)
5. PD Forms 251, 252 (Incident Report Forms)
6. PD Form 118 (Complainant Statement)
7. PD Form 119 (Witness Statement)
8. PD Form 313 (Arrestee's Injury or Illness Report and Request for Examination and Treatment)

Charles H. Ramsey  
Chief of Police

Attachment: PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

CHR:NMJ:JAE:MAR:AFA:afa



METROPOLITAN POLICE DEPARTMENT

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Force Investigation Team

December 1, 2001

# **Organizational Plan and Operations Manual**

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## *Executive Summary*

**“Police departments everywhere have no greater responsibility than to ensure that our officers, who are entrusted by the public to use force in the performance of their duties, use that force prudently and appropriately. And when deadly force is used, police departments have a solemn obligation—to the public and to the officers involved—to investigate these cases thoroughly, accurately and expeditiously.” - Police Chief Charles H. Ramsey**

**T**he District of Columbia is a dynamic city that serves as a symbol of freedom and democracy throughout the world. The city also serves as a center of commerce, both internationally and regionally. Locally, the city is home to vibrant neighborhoods, commercial corridors, museums, educational institutions, and a plethora of other community elements. The city’s stakeholders, which include residents, visitors, government officials, businesses, and others employed here, proudly contribute to the quality of life in the District of Columbia.

The Metropolitan Police Department is also committed to enhancing the city’s quality of life through providing the highest level of police service to these stakeholders. As the primary law enforcement agency in the nation’s capital, our members have taken seriously the obligation to provide police service to our stakeholders. It is the mission of the Metropolitan Police Department to prevent crime and the fear of crime, as we work with others to build safe and healthy communities throughout the District of Columbia. One of the awesome responsibilities that our members are entrusted with is the authority to use force, including deadly force.

In the past, it had become clear that the Metropolitan Police Department had not met community expectations, nor police industry standards, as it related to use of force and subsequent use of force investigations. As a result, Chief of Police Charles H. Ramsey instituted a number of reforms to address major aspects of the department’s use-of-force practices and procedures. One of the Chief’s primary initiatives involved the establishment of an investigative body to monitor and scrutinize the use of deadly force. This is how the Force Investigation Team came into existence in January 1999.



One of the primary objectives of this investigative body was to provide the Metropolitan Police Department with a standard, comprehensive, neutral investigative response to use of deadly force incidents. Additional objectives included developing and maintaining internal reporting and investigative mechanisms that had to be in place to assure quality control and accountability. These mechanisms had to clearly chronicle the circumstances and document the volumes of information inherent in deadly force investigations. It was crucial that this neutral component monitor and evaluate deadly force investigations and ensure fair, impartial, and professional reviews. Additionally, this entity had to be the primary link to other local and federal agencies with interest in the conduct and activity of Metropolitan Police officers as it related to the use of force. Finally, the unit had to compile, track, analyze, and report all use of force data. The resulting advancements restored community confidence and enhanced the credibility of the Metropolitan Police Department.

Since its inception in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized for its high quality investigations and unique approach to use of force issues. Law enforcement agencies from throughout the United States and abroad have studied the team's operations in efforts to improve their own organization's force investigation practices. In 2000, the Force Investigation Team was named one of the top ten quality law enforcement units in the world by the International Association of Chiefs of Police and Motorola. Moreover, the team has been nominated for the 2001 IACP Civil Rights Award in Law Enforcement.

Also in January 1999, District of Columbia Mayor Anthony A. Williams and Chief Charles H. Ramsey requested the Department of Justice to review all aspects of the Metropolitan Police Department's use of force practices. This unprecedented request indicated the City and the Chief's commitment to minimizing the risk of excessive use of force in the Metropolitan Police Department and to promoting police integrity.

In March 2001, the Department of Justice concluded its review of the Metropolitan Police Department's policies, practices and procedures, and entered into a Memorandum of Agreement with the District of Columbia and the Metropolitan Police Department. They joined together in order to minimize the risk of excessive use of force, promote the use of best available practices and procedures for police management, and to build upon the improvements the Force Investigation Team has initiated to manage police use-of-firearm investigations. Accordingly, the agreement called for the expansion of the Force Investigation Team's duties to include incidents of less than lethal uses of force.

The Force Investigation Team will continue to promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department. Fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers will remain our primary goal. We take their obligation seriously—to the public and police officers—to thoroughly, accurately, and expeditiously investigate force incidents. We strive to maintain our status as the national model of how to investigate use-of-force incidents. We continually create, welcome, and support the leadership skills and expertise of all members of the team, and through teambuilding techniques, maintain open communication, and mutual respect. We are committed to professional development, and maintain unbiased and respectful treatment of all people. We are committed to

cultural sensitivity and seek to keep the confidence, trust, and support of the community that we have earned since the team's inception.

## *Statement of Problem*

Egon Bittner, in his pioneering classic *The Functions of Police in Modern Society*, argues that "the role of the police is to address all sorts of human problems when and insofar as their solutions do or may possibly require the use of force at the point of their occurrence. The use of force by police is an ever present challenge to the men and women who commit their lives to the profession. Many scholars, like Bittner, have argued that the legitimate use of coercive force is the critical factor distinguishing policing from all other professions and distinguishes police officers from all other citizens.

Karl Klockers, in 1985, said "no police anywhere has existed, nor is it possible to conceive of a genuine police ever existing, that does not claim a right to compel other people to forcibly do something. If it did not claim such a right, it would not be a police."

It is therefore reasonable to expect that our police officers may use force as an everyday part of their job. The challenge to our officers is how much force is used. Any use of force by our police officers must be constrained by the laws of the land. When those laws are violated, the public support and the credibility that the police need to function is effectively undermined.

Police officers have in their arsenal a continuum of force they can use in the cause of discharging their duties, including the most deadly one, use of firearms. In the past, reports revealed that Metropolitan Police Department officers had used deadly force more than any department in the nation. This led Chief of Police Charles H. Ramsey to institute several reforms, including the creation of the Force Investigation Team.

This Document contains the operational plans for the Force Investigation Team. The ultimate goal of this unit is simple; to conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.

## *Office of Professional Responsibility*

**T**he Office of Professional Responsibility acts as the guardian of the Metropolitan Police Department's reputation in the community, which we have vowed to serve. The Assistant Chief of the Office of Professional Responsibility reports directly to the Chief of Police. Thus, we have been charged with the accountability, implementation and maintenance of the department's anti-corruption programs. It is an office of unparalleled integrity that provides effective corruption control and behavior accountability through comprehensive proactive and reactive investigation, inspection and adjudication of misconduct and corruption. The Office of Professional Responsibility also conducts extensive statistical data collection for review, assessment and trend analysis.

It is the vision and goal of the Office of Professional Responsibility to ensure the integrity of the Metropolitan Police Department through a system of internal investigations and adjudications where objectivity and fairness are assured. We will conduct fair, impartial, and highly professional investigations, audits, inspections, and adjudications of corruption and misconduct allegations and occurrences.

### ***Force Investigation Team Vision/Value Statement***

**T**he Vision/Value Statement of the Force Investigation Team serves as the cornerstone of the team's philosophy. Every action made by a member of the Force Investigation Team must comport with at least one aspect of this Vision/Value statement. This statement is updated annually to ensure that the team's focus remains on the cutting edge of our industry.

**The Metropolitan Police Department Force Investigation Team will:**

- **Promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department**
- **Conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.**
- **Take our obligation seriously--to the public and our officers--to thoroughly, accurately, and expeditiously investigate these incidents.**
- **To remain the nation's model as it relates to police use-of-force investigations.**
- **Create, welcome, and support the leadership skills and expertise of all members of the team.**
- **Encourage team building, open communication, and mutual respect.**
- **Constantly strive to improve our ability to conduct investigations through professional development. Aspire to become a "learning organization."**

- **Maintain unbiased and respectful treatment of all people.**
- **Be committed to cultural sensitivity.**
- **Continually strive to enhance the confidence, trust, and support of the community.**
- **Accept accountability and responsibility for our duties and responsibilities**

## *Organizational Chart*

The Metropolitan Police Department Office of Professional Responsibility Force Investigation Team comprises of two operational squads each composing of investigative response teams (called Force Review Teams). These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Additionally, a Force Review Operations Liaison provides specialized support including data collection, analysis, and reporting. The liaison provides support to the MPD Office of the General Counsel and the D.C. Office of the Corporation Counsel as it relates to civil lawsuits, and handles informational requests from federal and other organizations. Finally, the Force Investigation Team provides administration duties for the Use of Force Review Board.

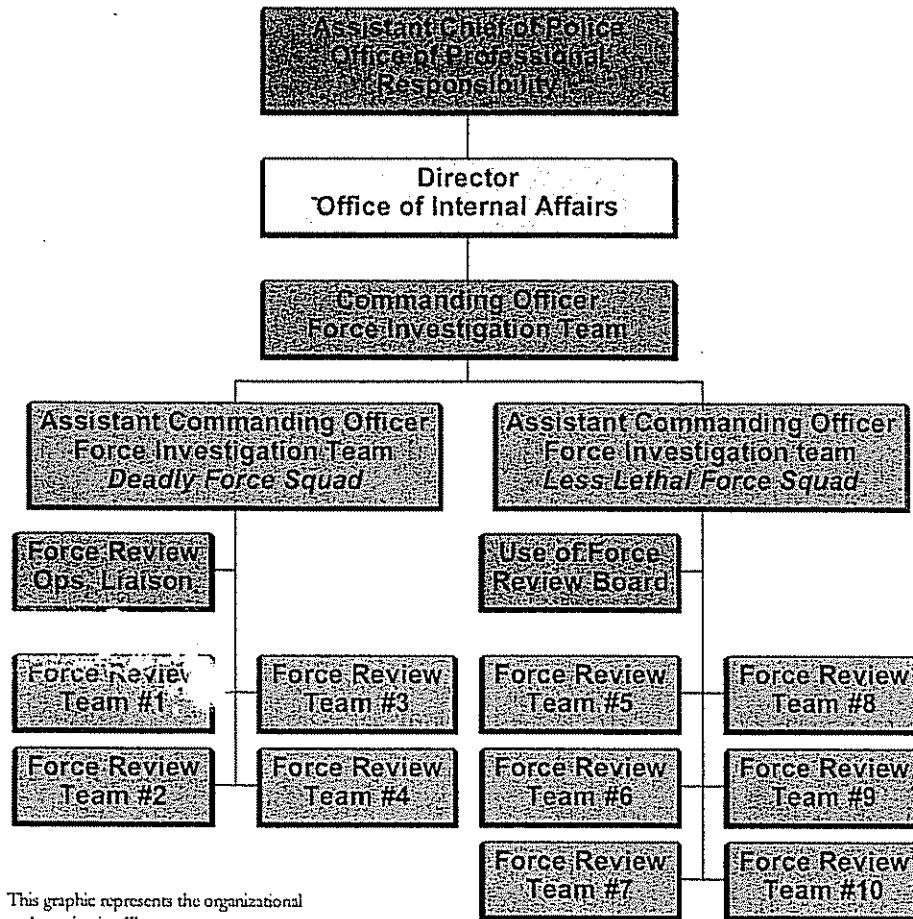


FIGURE 1.1 This graphic represents the organizational structure of the Force Investigation Team

## *Identified Customers*

One of the most important aspects of the Force Investigation Team is its business-related perspective. Accordingly, the Force Investigation Team endeavored to identify its primary stakeholders, or “customer base.” The identification of these customers help members of the Force Investigation Team focus on who they are conducting an investigation for. This concept helps keep the Force Investigation Team accountable to its customers, while fostering quality at every level of its operations.

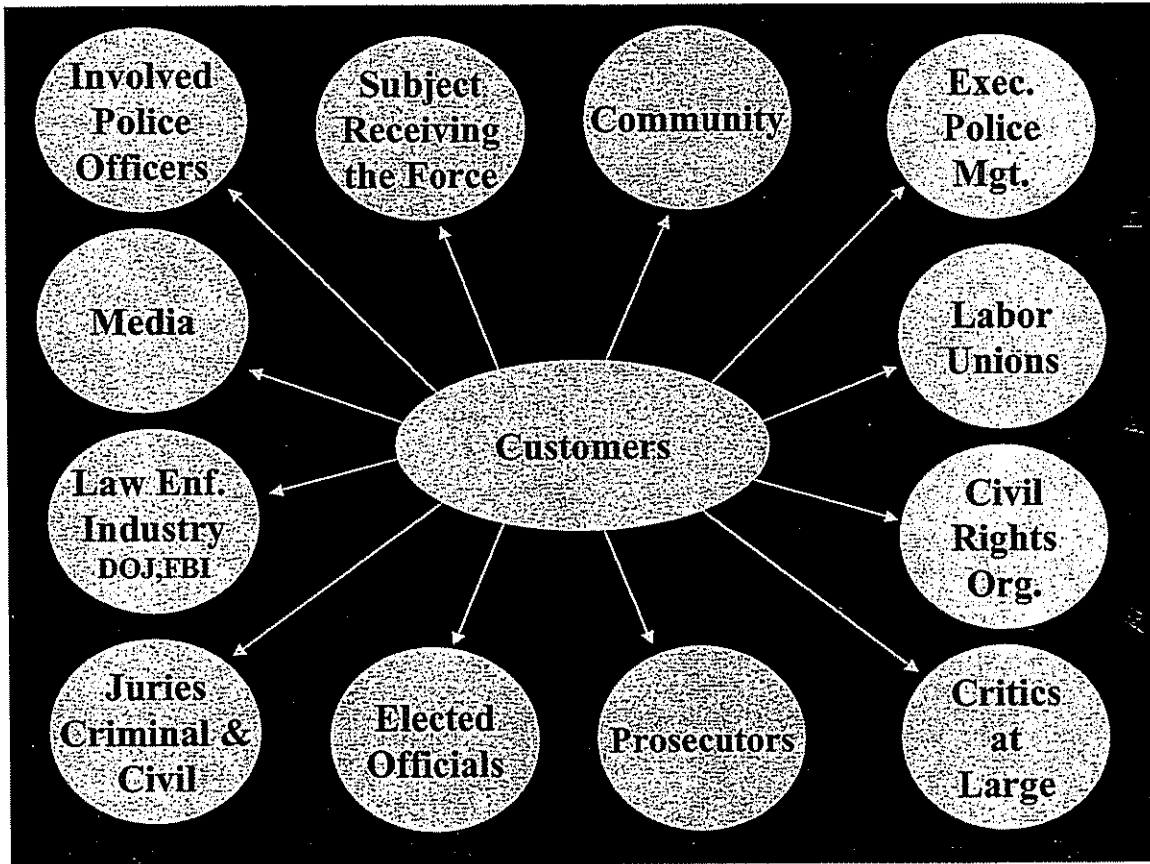


FIGURE 1.2 This graphic represents the customer base of the Force Investigation Team. The customers were identified after a series of brainstorming sessions with team members.

*Definitions*

**Use of Force:**

The term “use of force” means any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing.

**Less Lethal Force:**

The term “less lethal force” means use of force that is neither likely nor intended to cause death or serious physical injury.

**Deadly Force:**

The term “deadly force” means any use of force likely to cause death or physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.

**Serious Use of Force:**

The term “serious use of force” means lethal (deadly) and less than lethal actions by MPD officers including:

- (1) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals.
- (2) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization.
- (3) All head strikes with impact weapons.
- (4) All uses of force by a MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ.
- (5) All other uses of force by a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

## *Mission and Authority*

The mission of the Metropolitan Police Department Force Investigation Team is to conduct fair, impartial, and professional reviews of use of force incidents involving sworn Metropolitan Police officers. The Force Investigation Team is a component of the Office of Professional Responsibility, thus team operational procedures and related requests for assistance have the full authority of that office.

The Force Investigation Team is the primary use of force investigative entity within the Metropolitan Police Department. The Force Investigation Team conducts three types of force investigations as follows:

- (1) The Force Investigation Team conducts a criminal investigation of an officer's actions as it relates to the use of force.
- (2) The Force Investigation Team will conduct a criminal civil rights investigation of an officer's actions as it relates to the use of force. This in no way precludes federal agencies from opening their own investigations.

Once a criminal declination or a criminal prosecution is completed by the United States Attorney's Office for the District of Columbia, the Force Investigation Team will:

- (3) Conduct a policy review of an officer's actions as it relates to the use of force. The policy review will include:
  - a. A determination of whether the use of force was consistent with MPD policy and training.
  - b. A determination of whether proper tactics were employed.
  - c. A determination of whether lesser force alternatives were reasonably available.

Additionally, a criminal investigation of the incident that led to the use of force will be initiated, where applicable. This investigation will be handled by members from the Violent Crime Unit, Office of the Superintendent of Detectives. Since the facts related to this investigation are the same as those in the force review, the lead Force Investigation Team investigator and the lead Violent Crime Unit investigator will liaison.

The Force Investigation Team will also conduct investigations of use of force incidents occurring *outside the District of Columbia*. In these instances, the primary criminal investigation of the incident rests with the law enforcement authority of the jurisdiction of occurrence, and the Force Investigation Team will conduct only the policy review.



Members of the Force Investigation Team reserve the right, and have the authority, to assume full control of any criminal investigation related to any force incident.

The Force Investigation Team will coordinate, transmit, and consult with the United States Attorney's Office for the District of Columbia regarding all instances of serious use of force.

The Force Investigation Team will compile, track, analyze, and report all of the data related to use of force by Metropolitan Police Department officers.

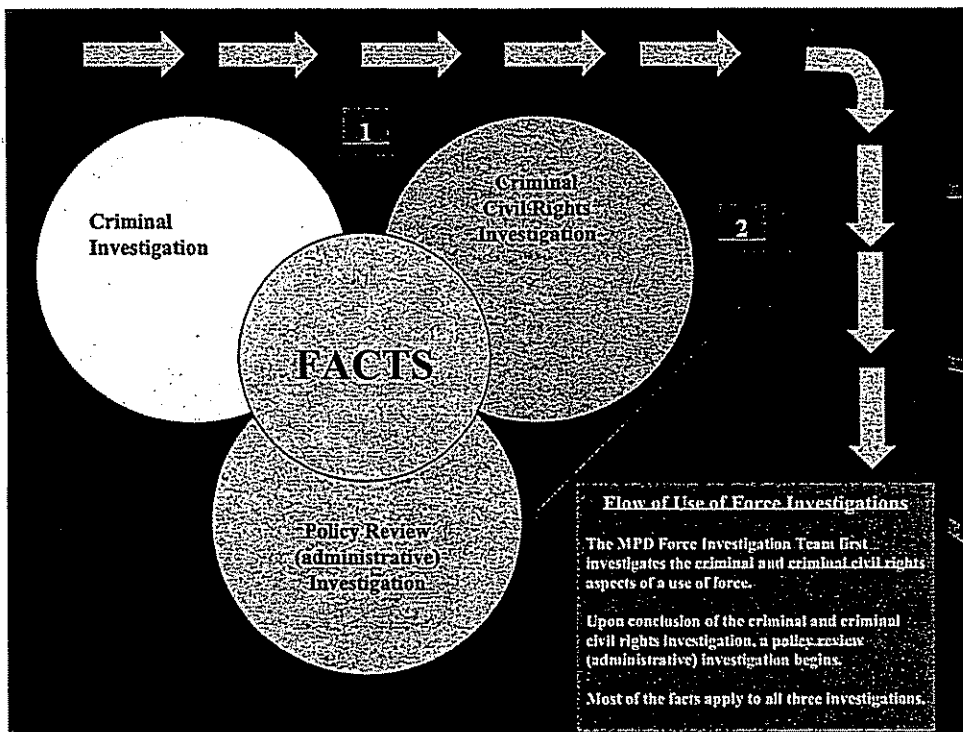


FIGURE 2.1 This diagram demonstrates the responsibility flow of Force Investigation Team investigations. Note that the policy review investigation is not initiated until a prosecutorial decision is made. The figure shows that while the Force Investigation Team conducts several investigations, the facts, circumstances, and evidence pertain to all three of the investigations.

## Operations of the Force Investigation Team

SECTION KEY
① General Information
② Deadly Force Investigations
➤ Less-Lethal Force Investigations
③ Investigations by Chain of Command Officials
④ Emergency Response Team Investigations
⑤ Report & Evidence Processing
⑥ Consulting the United States Attorney's Office
⑦ Statistical Analysis
⑧ Stakeholder Education and Outreach
⑨ Training Philosophy
⑩ Miscellaneous

This organizational plan and operations manual is designed to be an easy reference guide to the processes of the Force Investigation Team. As such, each category has been organized into the following sections: **General Information, Deadly Force Investigations, Less-Lethal Force Investigations, Investigations by Chain of Command Officials, Emergency Response Team Investigations, Report & Evidence Processing, Consulting the United States Attorney's Office, Statistical Analysis, Stakeholder Education and Outreach, Training Philosophy, and Miscellaneous.** While the manual will provide a baseline of the team's processes, it should be understood that the process in itself is fluid. Therefore, revisions and updates will continue to ensure the highest level of quality and customer service.



## General Information

The Force Investigation Team comprises of two operational squads each composing of investigative response teams. These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Squad responsibilities are divided as follows:

### Deadly Force Squad:

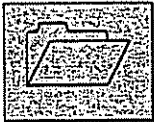
The deadly force squad will be responsible for:

- Firearm discharges (except range and training incidents and discharges at animals)
- Uses of force resulting in death
- In-custody deaths
- Officer Suicides (with service weapon)

### Less Lethal Force Squad:

The less lethal force squad will be responsible for:

- Uses of force resulting in a broken bone
- Injuries requiring hospitalization as a result of a police use of force
- Head strikes with impact weapons
- Uses of force resulting in a loss of consciousness, risk of death, serious disfigurement, or disability or impairment of the functioning of any body part or organ
- Incidents where persons receive a bite from an MPD canine
- Serious Use of Force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office for review
- Criminal allegations of police use of excessive force



## Deadly Force Investigations

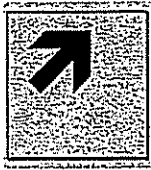
The following processes and procedures shall apply to deadly force investigations:

1. When a Metropolitan Police officer discharges a firearm, or becomes aware of an in-custody death, the first responsibilities of the officer(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
3. If the firearm discharge occurs outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team will only conduct a policy review in this circumstance.
4. The Force Investigation Team will also investigate all negligent firearm discharges by Metropolitan Police Department officers with a service weapon or authorized off-duty weapon.
5. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager or via telephone.

6. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives based at the local police district shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up to the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
7. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
9. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
10. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
11. At least two on-call members, one lead investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
12. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
13. Members of the Force Investigation Team will jointly take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
14. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
15. A Force Investigation Team management official will consult with the affected element Watch Commander or Commanding Officer relative to the duty status of an officer immediately following a use of force incident. The final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management.
16. Members of the Force Investigation Team will complete:

- Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.
  - Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
  - Final investigative report with conclusions and recommendations. This report shall be submitted within thirty (30) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented). While it is noted that the MPD-DOJ agreement allows up to 90 days to complete this task, the Force Investigation Team shall document any delays that exceed the unit's internal thirty-day parameter.
  - The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
    - A determination of whether the force was consistent with MPD policy and training
    - A determination of whether proper tactics were employed
    - A determination whether lesser force alternatives were reasonably available.
17. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
  - Temporary change of duty status reports (PD-77).
  - Adherence to Medical Services Division and Employee Assistance program follow-up.
  - Medical/Injury Reports (PD-42 & Certification)
  - Property Damage Reports (PD-43 & Certification)
  - Service weapon replacement.
  - Processing of the injured/arrested person (where applicable)
  - Guard details
18. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about deadly force incidents and in-custody deaths involving Metropolitan Police Department officers.
19. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the

U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



## Less-Lethal Force Investigations

The Force Investigation Team less lethal squad will conduct investigations of police use of force incidents as defined in the DOJ/MPD Memorandum of Agreement. Additionally, the Force Investigation Team less lethal squad will investigate serious use of force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office. Finally, this squad will handle criminal allegations of police use of excessive force

### Non-Serious Use of Force Reviews

All uses of force could potentially cross the threshold and meet the criteria of a serious use of force (see definition). However, initial workload analysis indicates that the majority of force used by Metropolitan Police Department officers do not fall into that category. However, all use of force incidents must be investigated. Accordingly, the Force Investigation Team will be available to assist chain of command officials with non-serious use of force incidents.

Therefore, to ensure an appropriate response to less-lethal force incidents, the Force Investigation Team Less-Lethal Force Squad will staff all watches to ensure 24-hour personnel availability.

When a less-lethal force incident occurs that does not immediately appear to fall into the *serious use of force* category:

1. When a Metropolitan Police officer is involved in a less-lethal force incident, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.

### Serious Use of Force Defined

(i) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals, (ii) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization, (iii) All head strikes with impact weapons, (iv) All uses of force by a MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ, (v) All other uses of force by a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

FIGURE 3.1 Definition of Serious Use of Force as indicated in the DOJ/MPD Memorandum of Agreement

2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
4. An official from the element in which the involved officer is assigned shall be responsible for investigating the incident. Copies of all investigations shall be forwarded to the Force Investigation Team for statistical tracking.
5. When applicable, the Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that *led up to* the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. For the purposes of this manual, *hospitalization* means a subject admitted to the hospital, not simply hospital treatment.
7. The District of occurrence is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. An official from the District of occurrence shall be responsible for all use of force reports falling that do not fall into the *serious use of force* category.
9. If it is determined that the use of force falls into the *serious use of force* category, the Watch Commander shall immediately notify the Force Investigation Team via the Communications Division and/or the Synchronized Operations Command Center.
10. Members from the Forensic Science Services unit, based in the police district of occurrence, shall respond and be responsible for evidentiary crime scene processing.
11. Officials from the District of occurrence will complete the:
  - Preliminary report of investigation to the affected Regional Operations Command Assistant Chief, with a copy forwarded to the Office of Professional Responsibility. The report will be completed within twenty-four hours.
  - Final investigative report with conclusions and recommendations within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).

15. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
  - Temporary change of duty status reports (PD-77).
  - Adherence to Medical Services Division and Employee Assistance program follow-up.
  - Medical/Injury Reports (PD-42 & Certification)
  - Property Damage Reports (PD-43 & Certification)
  - Service weapon replacement. (i.e.: ASP, OC Spray canister)
  - Processing of the injured/arrested person (where applicable)
  - Guard details

## Force Investigation Team Less-Lethal Force Reviews

The Force Investigation Team Less-Lethal Force Squad will investigate *serious use of force* incidents that are not investigated by the Deadly Force Squad (as defined in figure 3.1 on page 15).

The following processes and procedures shall apply to less-lethal force investigations that fall into the *serious use of force* category:

1. When a Metropolitan Police officer becomes involved in a less-lethal use of force that is classified as a *serious use of force* in the District of Columbia, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) is notified.
4. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up



- to the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
  7. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
  8. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
  9. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
  10. At least two on-call members, one lead investigator, the initial responding force investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
  11. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
  12. Members of the Force Investigation Team will take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
  13. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
  14. A Force Investigation Team management official will determine the duty status of an officer immediately following a serious use of force incident. However, the final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management. In this instance, the Force Investigation Team will make a duty status recommendation.
  15. In cases of serious use of force, members of the Force Investigation Team will complete:
    - Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.

- Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
  - Final investigative report with conclusions and recommendations. This report shall be submitted within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
  - The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
    - A determination of whether the force was consistent with MPD policy and training
    - A determination of whether proper tactics were employed
    - A determination whether lesser force alternatives were reasonably available.
16. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
  - Temporary change of duty status reports (PD-77).
  - Adherence to Medical Services Division and Employee Assistance program follow-up.
  - Medical/Injury Reports (PD-42 & Certification)
  - Property Damage Reports (PD-43 & Certification)
  - Service weapon replacement.
  - Processing of the injured/arrested person (where applicable)
  - Guard details
17. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about serious use of force incidents involving Metropolitan Police Department officers.
18. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



## Use of Force Investigated by Chain of Command Officials

Chain of Command managers and supervisors from organizational elements still have some force and injury investigative responsibilities. Managers and supervisors shall conduct these investigations in accordance with the department's administrative handbook. However, templates and examples of investigative reports are available from the Force Investigation Team.

Chain of command district supervisors shall investigate force incidents except those investigated by the Force Investigation Team. At the discretion of the Chief of Police or his designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigation Team. No supervisor who was involved in the incident shall be responsible for the investigation of the incident.

- An injury to a suspect as a result of open hand force.
- A complaint of injury as a result of open hand force.
- Firearm discharges at animals
- Firearm discharges related to range and training incidents
- Use of ASP or OC Spray that is not categorized as serious use of force.

FIGURE 3.2 Examples of Chain of Command force and injury investigations.

1. When a Metropolitan Police officer is involved in a force incident not investigated by the Force Investigation Team, or a suspect is injured not originating from a use of force, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The chain of command official will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
4. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager. While the Force Investigation Team may not investigate these specific occurrences, the Force Investigation Team will track this data.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that *led up to* the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.

7. A chain of command supervisor will respond to the scene and conduct an investigation.
8. Members from the Crime Scene Search unit based in the police district of occurrence shall respond and be responsible for evidentiary crime scene processing. The District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the chain of command supervisor.
9. The District or Organizational Element Watch Commander will make a duty status recommendation for the involved officer(s) to the. However, the final decision as to the duty status of an officer will be made by the involved officer's Commanding Officer in conjunction with executive police management.
10. The District Watch Commander shall complete:
  - A preliminary report of investigation to the element Commanding Officer within 24 hours. Copies of the preliminary report should be forwarded to the Force Investigation Team.
  - A final investigative report with conclusions and recommendations shall be submitted within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).
11. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
  - Incident Report Forms (PD-251, 252)
  - Temporary change of duty status reports (PD-77).
  - Adherence to Medical Services Division and Employee Assistance program follow-up.
  - Medical/Injury Reports (PD-42 & Certification)
  - Property Damage Reports (PD-43 & Certification)
  - Service weapon replacement. (i.e.: ASP, OC Spray canister)
  - Processing of the injured/arrested person (where applicable)
  - Guard details
12. If there are any criminal allegations associated with any force investigated by chain of command officials, then the Force Investigation Team shall be notified and will handle the force investigation.



## Emergency Response Team Investigations

**T**he Metropolitan Police Department Emergency Response Team is a specialized tactical unit that responds to handle highly dangerous situations. In order to reduce the risk of serious injury, the Emergency Response Team employs various specialized less-lethal tactics and service weapons. Accordingly, management officials from the department's Emergency Response Team will investigate less lethal uses of force by members of the unit, when the force occurs as part of specific Emergency Response Team duties (i.e. barricades, high risk warrants, etc).

However, any firearm discharges, in-custody deaths, or serious use of force (as defined) involving members of the Emergency Response Team will be investigated by the Force Investigation Team. In these circumstances, Emergency Response Team managers and supervisors shall follow the protocols for Deadly and Less-Lethal Force Investigation Team protocols enumerated earlier in this section.



## Report & Evidence Processing

**C**oordination for the completion of an incident's final investigative report and evidence processing is an integral part of the Metropolitan Police Department's desire for efficient management and quality control of use of force investigations and reviews. Therefore, it is imperative that all members of the department cooperate with the Force Investigation Team to help achieve this agency's goals as it relates to use of force incident management. Inasmuch as these investigations are a critical component to the department, several elements are necessary:

1. The Force Investigation Team has developed uniform Preliminary and Final Use of Force investigative report templates for the Metropolitan Police Department. To ensure that these templates remain contemporary, they will constantly evolve through many methods. They include:
  - Benchmarking with other law enforcement agencies.
  - Interaction with established law enforcement research & development organizations.
  - Reviewing CALEA and similar industry standards
  - Examining police-industry publications, periodicals, and Internet sites.
  - Conferring with educational institutions.
2. In instances of serious use of force, the Force Investigation Team preliminary report of investigation will be forwarded, to the Chief of Police, through the chain of command, within twenty-four hours. A transmittal document to the Mayor of the District of Columbia from the Chief of Police will also be completed.

3. In instances of a serious use of force, the Force Investigation Team will complete a final investigative report with conclusions and recommendations within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
4. The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include: a determination of whether the force was consistent with MPD policy and training, a determination of whether proper tactics were employed, and a determination whether lesser force alternatives were reasonably available.
5. To ensure comprehensive and timely completion of investigations by the Force Investigation Team, the Lieutenant, Violent Crime Unit, Office of the Superintendent of Detectives, housed at the local police district, shall liaison and provide full cooperation with members of the Force Investigation Team.
6. The VCU Lieutenant shall ensure that a duplicate copy of all reports, communications, and information related to an enumerated use-of-force incident are provided to the Force Investigation Team immediately.
7. The Forensic Science Services Division (to include the Mobile Crime Lab and Firearms Examination Unit) shall ensure that a duplicate copy of all reports, communications, diagrams, lab results, and other related information are provided to the Force Investigation Team immediately.
8. The Director, Communications Division, shall ensure that duplicates of all related radio communication tapes of a use-of-force incident are immediately provided to the Force Investigation Team.
9. The Director, Information Technology, shall ensure that computer related communications (MDC Terminals) concerning to a use-of-force incident are immediately provided to the Force Investigation Team.
10. The Force Investigation Team *Force Review Operations Liaison* will maintain a repository of electronic and paper copies of Preliminary and Final Investigative Reports completed by the Force Investigation Team. In addition, the liaison will ensure coordination with the department's Use of Force Board.
11. Force Investigation Team final investigative report findings shall reflect both the criminal and policy findings. They shall be classified as follows:
  - **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate department
 

<b>Justified, Within Departmental Policy</b>	<b>Justified, Within Departmental Policy</b>
	<b>Justified, Policy Violation</b>
	<b>Justified, Tactical Improvement Opportunity</b>
	<b>Not Justified, Not Within Departmental Policy</b>

policy.

- **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject violated a department policy.
- **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and tactical improvement endeavors.
- **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a department policy.

FIGURE 3.3 Force Investigation Team final report finding classifications.

The threshold of review in a criminal investigation is *probable cause*. The threshold of review in a policy review (administrative) investigation is a *preponderance of the evidence*.

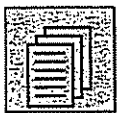
12. When allegations of excessive force or misconduct are made, the Force Investigation Team or the Office of Internal Affairs (whichever is applicable), shall make one of the following dispositions:
  - a. **Unfounded:** Where the investigation determined no facts to support that the incident complained of actually occurred.
  - b. **Sustained:** Where the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.
  - c. **Insufficient Facts:** Where there are insufficient facts to decide whether the alleged misconduct occurred.
  - d. **Exonerated:** Where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

## Use of Force Evidence Considerations

Use of force incident scenes shall be handled and processed as a crime scene. All accepted rules of evidence and evidence processing apply to use of force investigative scenes. The fact that a use of force occurred adds an additional dimension to the scene processing, and it is imperative that members adhere to all departmental protocols, as it relates to use of force scene processing. Accordingly, the following evidentiary actions shall occur in addition to regular crime scene processing:

1. Responding police officials *shall not* assume control over any service weapon that has been deployed (excepting unusual circumstances that must be documented). Service weapons that have been used shall be secured in the holster or holder which it is kept.

2. Responding officials shall assign a supervisor to stay with the officer(s) that have used force.
3. Responding officials shall not conduct questioning of the involved police officer about the use of force.
4. Responding officials shall ensure that the crime scene is protected, and shall control, limit, and restrict access to the area. Responding officials shall ensure that a crime scene access log is completed.
5. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved police officer, as well as the subject of the force (when practicable).
6. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved officer's equipment belt (where applicable), and all service weapons and equipment in the officer's possession.
7. Police equipment shall only be seized by a Forensic Science Services Division Technician in conjunction with members of the Force Investigation Team.
8. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall account for all rounds fired during a discharge, and shall count all ammunition remaining in an officer's magazine.
9. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall determine whether an officer involved in a use of force is carrying authorized weapons, and where applicable, authorized ammunition.
10. When a service weapon reportedly incurably malfunctions during an officer's attempt to fire, the weapon shall be taken out of service and evaluated by the Firearms Examination Section and an MPD armorer. Following the evaluation, the armorer shall document, in writing, whether the weapon had an inherent malfunction and was removed from service, malfunctioned because it was poorly maintained, or if the malfunction was officer-induced and a determination of the causes.
11. A use of force crime scene shall remain secured and protected until the scene is released by members of the Force Investigation Team.



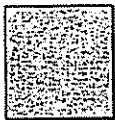
## Consulting the United States Attorney's Office

**I**t is imperative that the public and the identified Force Investigation Team "customer base" have trust and confidence in the Metropolitan Police Department, especially in the department's ability to investigate police use of force.



Accordingly, in order to ensure the integrity of force investigations in the District of Columbia, the Metropolitan Police Department will consult regularly with the United States Attorney's Office for the District of Columbia (USAO).

1. The Force Investigation Team shall be the sole element of the Metropolitan Police Department to consult with the USAO about incidents involving deadly force, serious use of force, or force with potential criminal conduct.
2. The Force Investigation Team will telephonically notify the USAO immediately, in no case later than the next business day, following a deadly use of force or a serious use of force by a MPD officer, or following any use of force indicating potential criminal conduct involving an officer.
3. The Force Investigation Team shall consult by meeting with the USAO regarding the investigation of an incident involving deadly force, a serious use of force, or any other force indicating potential criminal conduct by an officer. The Force Investigation Team shall consult with the USAO within four (4) business days of the occurrences, absent exceptional circumstances.
4. The term "consult," means an exchange of information in a timely manner between the parties intended to consider the parties' respective positions. This exchange of information shall include, but not limited to, preliminary investigative files, reports, statements, photographs, and radio runs, as such items become available.
5. If the USAO indicates a desire to proceed criminally based on the on-going consultations with MPD, or MPD requests criminal prosecutions in these incidents, any compelled interview of the subject officer(s) shall be delayed. Additionally, subject officers will not be compelled to make a statement if the USAO has not yet issued a criminal declination.
6. The USAO shall respond to a written request by MPD for charges, declination, or prosecutorial opinion within three business days of the written request, by either filing charges, providing a letter of declination, or indicating the USAO's intention to continue further criminal investigation.
7. The USAO will also handle the prosecution of any offenses that *led up to* the use of force, where applicable.



## Statistical Analysis

The Force Investigation Team is the Metropolitan Police Department's central repository for use of force statistical data. The Force Investigation Team will compile, track, analyze, and report all use of force data. The Force Investigation Team will maintain up-to-date force statistics to allow for real time management review and analysis for trend analysis.

The following procedures will apply to Force Investigation Team statistical analysis;

1. The Force Investigation Team Force Review Operations liaison will be responsible for compiling, tracking, analyzing, and reporting use of force data.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the Force Review Operations Liaison as it relates to statistical tracking and analysis.
3. All use of force data shall be updated the next business day following the occurrence of any use of force incident.
4. Monthly statistical reports shall be submitted to the Chief of Police through the Assistant Chief, Office of Professional Responsibility.
5. The Force Investigation Team shall constantly seek out information and processes to study use of force data in order to identify trends. Once trends are indicated, the information will be analyzed to determine causation and effect. The Force Investigation Team shall prepare written reports documenting such trends for review by executive police management and the Institute of Police Science.
6. The Force Investigation Team shall prepare an Annual Report summarizing the activities of the Force Investigation Team for the previous year, as well as various charts and tables documenting use of force statistics.



## Stakeholder Education and Outreach

**M**edia scrutiny of law enforcement's use of force policies has raised awareness of these issues with the general public and all of the Force Investigation Team's customers. The reforms instituted by the Chief of Police, including the creation of the Force Investigation Team, has advanced the department and improved the public's trust. Nonetheless, the initiatives have caused some uncertainty and apprehension among the department's stakeholders. It is important for members of the department and other stakeholders to understand the mission, purpose, and procedures of the Force Investigation Team. Subsequently, a proactive approach to informing stakeholders about the Force Investigation Team is necessary. They include but are not limited to;

1. Members of the Force Investigation Team will address citizen groups and community organizations to explain use of force investigation policies and procedures.
2. Members of the Force Investigation Team will periodically attend element roll calls to introduce themselves and explain the team's mission, policies, and procedures.

3. The Force Investigation Team will address recruit officers, experienced officers, and other students to disseminate information relative to the responsibilities and operations of the Force Investigation Team.
4. The Force Investigation Team will meet periodically with appropriate labor organizations, including the Fraternal Order of Police and the Metropolitan Police Official's Association.
5. The MPD Office of Corporate Communications will assist the Force Investigation Team in developing appropriate presentations to members of the community and other stakeholders.
6. The Force Investigation Team will publish an Annual Report and post it on the department's web site.



## Training Philosophy

Use of force incidents involving police officers are some of the most volatile aspects of policing today. As scrutiny of various departments force incidents have shown, it is imperative that the Metropolitan Police Department constantly upgrade its ability to manage and understand these complex situations.

The Force Investigation Team will always seek to enhance its operations through training, research, and development. Members will constantly strive to improve their ability to comprehend and investigate use of force scenarios. The sophistication of these investigations and the complexity surrounding related processes require training and education at unprecedented levels. The Force Investigation Team must become a *"learning organization."*

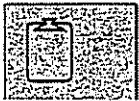
Accordingly, it is expected that the department will support, and team members will engage in, constant and earnest education and learning. Methods will include but are not limited to;

- Seminars and Training Sessions.
- Familiarity of current events through various print, electronic, and Internet outlets.
- Examination of police-industry publications, periodicals, and Internet sites.
- Benchmarking with other law enforcement agencies.
- Interagency coordination and collaboration.
- Interaction with established law enforcement research & development organizations.
- Consultation with educational institutions and industry experts.
- Knowledge of CALEA standards.
- Understanding of legal rulings and labor decisions

Additionally, the Force Investigation Team shall identify and evaluate training opportunities and programs. Recommended training programs that are endorsed by the Force Investigation Team shall be forwarded to the Chief of Police and the Institute of Police Science.

Finally, minimum Force Investigation Team training topics include but are not limited to:

- Basic Investigative Techniques
- Business Practices/Theories
- Civil Rights Law & Investigations
- Crime Scene Processing
- D.C. Code
- Deadly Force/Less Lethal Force Processes & Investigations
- Force-related Court Decisions
- Homicide Investigations
- Human Rights
- Interview & Interrogation
- MPD General Orders
- Policy (administrative) Investigations
- Post-Traumatic Stress Syndrome
- Prosecution processes/methods
- Trends in Force Investigations
- U.S. Code



## Miscellaneous Section

There are several subjects that need to be addressed in this section. This section contains an assortment of subjects that relate to Force Investigation Team policies and practices. It is anticipated that this section will grow as new subjects arise.

### Use of Force Involving Members of the Force Investigation Team

In the rare instance that a member of the Force Investigation Team becomes involved in a use of force incident, the following process will occur:

1. Designated Agents from the Office of Professional Responsibility, Office of Internal Affairs, will be responsible for investigating uses of force involving members of the Force Investigation Team.
2. The Office of Professional Responsibility, Office of Internal Affairs, will cross-train two Agents in use of force investigation techniques.
3. The designated Office of Internal Affairs Agents will investigate use of force in accordance with the guidelines established in this Operational Manual.
4. Management officials from the Force Investigation Team will provide investigative guidance and assistance to the OIA Agents. However, Management Officials from the Force Investigation Team will not review or approve investigative packages regarding uses of force by members of the Force Investigation Team.

### College Internship Program

The Force Investigation Team recognizes the importance of imparting law enforcement knowledge to future law enforcement practitioners and stakeholders. Moreover, the Force Investigation Team realizes that there is value in seeking and sharing ideas with those striving to expand their education through college study. Accordingly, the Force Investigation Team sponsors a college internship program. The program adheres to the following guidelines;

1. The Force Investigation Team Force Review Operations liaison is designated as the College Intern Coordinator.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the College Intern Coordinator.
3. The Force Investigation Team will host college interns during all semesters; fall, spring, and summer.
4. Job descriptions and job description updates for college intern responsibilities will be drafted and updated by the College Intern Coordinator.
5. The College Internship Coordinator will ensure that the Force Investigation Team college intern job description is posted on the college internship web site *JobTrak*.
6. College interns must receive college credit for their involvement with the Force Investigation Team.
7. The number of interns selected will be based on workload needs and intern availability.
8. All college intern candidates shall be interviewed.
9. Selected college intern candidates shall be subjected to a background check by the MPD Office of Auxiliary Services, Office of Organizational Development.
10. Selected college interns shall be required to sign a confidentiality agreement.

## Responsibility Centers

The r devel Acco comr Each liaiso	<b>External Liaisons</b>	ate nter
	<p><b>Local Law Enforcement Agencies:</b></p> <ul style="list-style-type: none"> <li>-Alexandria Police</li> <li>-Anne Arundel County Police</li> <li>-Arlington County Police</li> <li>-Calvert County Police</li> <li>-Charles County Police</li> <li>-Fairfax County Police</li> <li>-Howard County Police</li> <li>-Loudon County Police</li> <li>-Metro Transit Police</li> <li>-Montgomery County Police</li> <li>-Prince George's County Police</li> <li>-U.S. Capitol Police</li> <li>-U.S. Park Police</li> </ul>	
	<p>Office of the Corporation Council for the District of Columbia            United States Attorney's Office            Office of the Medical Examiner            Law Enforcement Agencies Nationally</p>	

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## *Management Procedures*

**R**ules and procedures, as well as established policies, give direction and coordination to a use of force investigation. The on-scene Force Investigation Team manager directs and coordinates the team's efforts based on established policies. However, as a manager, he/she has the authority to allow for variations of the guidelines when needed. The flexibility is based on necessity and common sense.

The management function requires the manager to actively participate in the investigation. This does not mean engaging in operational tasks such as interrogation of suspects, crime scene collection, interviews of witnesses, etc. However, active participation means sharing an interest in the investigation, intelligently directing activities and utilizing investigative critiques to properly establish priorities. In addition, it enables the manager to assess the case and provide the necessary resources to effectively investigate the case.

The management of use of force investigations can be separated into five segments:

- Managing the preliminary investigation at the scene
- Directing specific investigative duties
- Managing the Crime Scene Search/Mobile Crime
- Providing effective documentation of events
- Conducting an investigative critique (an information conference of participants in the investigation, which can take place anytime during the investigation)

### On-Scene Management

Once notified of a police involved use of force, it is imperative that Force Investigation Team managers record the following information:

- a. Date and time received
- b. How initial report was received
- c. Name of involved officers
- d. Complete details

At this point, the Force Investigation Team manager will respond to the scene. The Force Investigation Team manager is responsible for maintaining communication with command level personnel, including making follow-up notifications to the Commanding Officer of the Force Investigation Team, the Director of OIA, and at their request, the Assistant Chief of the Office of Professional Responsibility. In addition, the Force Investigation Team manager shall make notifications to the USAO of all deadly and serious uses of force or allegations of excessive force as soon as possible.

In addition to maintaining communications with command level personnel, the Force Investigation Team manager is responsible for ensuring the following:

- Recording the exact time of their arrival
- Record the exact address
- Record police units present
- Determine whether a VCU investigator is needed for the case, and if so, confer with the Watch Commander, Office of the Superintendent of Detectives, to assign one to the case.
- Confer with the patrol supervisor to establish cooperation
- Confer with the first arriving Force Investigation Team Investigator for a quick debriefing
- Make a visual inspection of the crime scene and the crime in order to get a feel for the case and establish parameters.
- Solicit opinions and/or theories from police supervisors on the scene.
- Determine investigative needs and make assignments.
- Implement an assignment sheet. (This sheet shall be used to recall who is performing what assignment.)

The Force Investigation Team manager's assignment sheet should detail exactly who has been assigned specific tasks. This enables the Force Investigation Team manager to properly assign members and record exactly what has transpired at the crime scene. As members report back, the manager should record a brief description of their results.

The Force Investigation Team manager will ensure that an investigative canvass is conducted, which is simply a door-to-door inquiry for witnesses.

If the involved officer or the subject of the force has been transported to a hospital, the Force Investigation Team manager shall assign a Force Investigation Team investigator, district supervisor, and/or VCU investigator to respond to the hospital to ensure proper evidence collection procedures are undertaken. Further, the Force Investigation Team manager shall direct that video and/or photos be taken of the involved officer and the subject of the force. If applicable, video shall also be taken of crowds that may have gathered as a result of the force incident.

Direct that ambulance or EMS personnel be interviewed. Their activities at the scene, as well as people that they may have seen or things they overheard, could be important.



## Specific Duties

Regarding the suspect in custody:

1. Establish whether the use of force appears justified and/or if policy violations exist.
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing and interrogation of a suspect in custody

1. Direct FIT & VCU investigators to document Miranda warnings
2. Ensure that the interview is videotaped or that the statement is recorded, when possible

The formal interrogation should be conducted in the station, and no one should interfere with an investigator in the process of taking a statement from the suspect. This includes supervisors.

Regarding the officer (s) using force:

1. Establish whether members adhered to departmental policy
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing an officer involved in a use of force

1. Separate involved officer(s) to ensure integrity of statement(s)
2. Ensure involved officer(s) has opportunity to consult with their union representative and/or attorney, as well as members of the MPD Employee Assistance Program.
3. Direct FIT investigators to document Garrity warnings
4. If the involved officer(s) are cooperative, have FIT investigators conduct a walk-through with the officer(s) and take a preliminary statement at the scene, which may be used to assist in the recovery of any evidence or witnesses.
5. Ensure that the interview is videotaped or that the statement is recorded, when possible.

If the incident is classified as a *Deadly Force* or *Serious Use of Force*, the interview of the involved officer(s) should be conducted by the Force Investigation Team, and no one should interfere with the FIT investigator in the process of taking a statement from the suspect.

## Dying Declarations

In those rare instances when a suspect is so seriously injured as a result of a use of force and the individual knows that he is going to die, Force Investigation Team investigators shall expedite to the hospital, obtain witnesses if possible, and attempt to obtain a statement from the subject of the force. Force Investigation Team investigators are not required to utilize a predetermined set of questions. However, they shall establish that the subject of the force is competent, lucid, and does believe that he or she is about to die.

## Mental State/Behavior

Evaluation of the mental state/behavior of the subject of the force is important. Force Investigation Team investigators should assess whether mental state/behavior of the subject of the force contributed to the use of force. Members shall document the subject's actions and mental capacity at the time of arrest. This procedure is necessary to determine if the subject suffered from diminished capacity.

## Crime Scene

One of the most important functions of a use of a force investigation is the processing of the scene. The purpose of crime scene processing is to obtain and secure evidence. Force Investigation Team managers should consider warrant exceptions:

1. Emergency
2. Plain view
3. Consent
4. Search of a suspect after arrest
5. Individual Standing (as per *Douglas Bey v. US 490 A.2d 1137,1139 n.6 (DC 1985)*)

Any search method can be utilized and is usually determined by the size, location, and complexity of the scene. It doesn't matter which method is selected as long as the search is systematic and complete.

The scope of the search is determined by a theory or hypothesis arrived at by involved investigators based on their initial observations and assessment. This theory, which is provisional, is based on simple objectively reasonable assumptions, witness statements, and physical evidence. One primary duty of the Force Investigation Team manager is to ensure that district supervisors have isolated and secured the crime scene.

## Investigative Conferences

The investigative conference is an important part of any investigation. These conferences should be a formal meeting with investigators to discuss all aspects of the other four phases. Directed by the lead Force Investigation Team investigator, the purpose of the conference is to assess the investigation at each critical point of the investigative process by gaining an overall synopsis. Each member of the team

relates his/her progress and ideas; everyone is kept abreast of all developments. The meetings will be held weekly with the team and after each force incident with the on-call investigators.

## *Investigative Procedure Checklist*

All members of the Force Investigation Team contribute to the process of investigating use of force incidents, whether as a lead investigator or a supporting investigator. Teamwork is necessary to ensure efficient and thorough force investigations. While not all inclusive, it is necessary that the following procedures be adhered to when conducting on-scene force investigations:

### Lead Force Investigation Team Investigators (Less Lethal Squad)

- Locate the official in charge
- Obtain a debriefing from the official in charge
- Conduct initial scene assessment
- Brief assisting FIT investigators
- Coordinate FIT responsibilities
- Notify CSSO or Mobile Crime Lab, if not on scene
- View injuries
- Video or photograph injuries (Officer & Suspect)
- Take accurate notes
- Ensure that legal representation has been provided for members
- Conduct "Walk-Through" of scene with officer(s)
- Conduct a Walk-through with CSSO or Mobile Crime Lab members
- Prior to clearing the scene, conduct Walk-Through with FIT investigators
- Prior to being relieved from duty, submit Preliminary report

### Supporting Force Investigation Team Investigators

- Assist with the identification, transport, and interview of witness officers and citizens
- Conduct a canvass of the immediate area to locate witnesses or information.
- Video or photograph the scene without audio.

- Take accurate and detailed, and complete notes
- Assist with other specific tasks as designated by the lead investigator or supervisor
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident
- Assist the lead in any other investigatory matters

## Hospital Responsibilities

A FIT investigator shall respond to the hospital in all cases involving a hospitalization of an officer or suspect.

- Obtain information from the patrol officers at the hospital
- Locate any other witnesses or family members
- Identify and interview medical personnel
- Notify CSSO or Mobile Crime Lab technicians of any available evidence
- Photo injuries, medical documents
- Take audio recordings of witness statements
- Take accurate and detailed, and complete notes
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident.
- Assist the lead in any other investigatory matters

**Resource Attachments**

- i. Force Investigation Team Investigative System Flowcharts
- ii. Use of Force Reporting Matrix
- iii. Use of Force Reporting Form
- iv. Preliminary Report Template
- v. Final Report Template
- vi. Force Investigation Team On-Scene Worksheets
- vii. Officer Legal Protection Advisory Statement
- viii. Memorandum of Agreement between the U.S. Department of Justice and the Metropolitan Police Department
- ix. Related Metropolitan Police Department General Orders
- x. Summary of Relevant Supreme Court Cases
- xi. 2000 & 1999 Force Investigation Team Annual Reports
- xii. 2000 Less-Lethal Force Workload Analysis
- xiii. Grant Proposal Operational Costs

MIAMI-DADE POLICE DEPARTMENT SHOOTING INCIDENT SUMMARY FORM (2001)

<b>OFFICER RELATED SHOOTING INFORMATION</b>				
IA Case #				
Surrounding Area: (IA Code)		Neighborhood Ethnicity: (IA Code)		
Weather: (IA Code)		Lighting: (IA Code)		
Bystander Injury? Y / N		Original Incident Signal:		
<b>EMPLOYEE INFORMATION</b>				
Officer #:	Last	Middle	First	SSN (Employee Only)
Weapon Status: (IA Code)		Cover Type: (IA Code)		
Attire: (IA Code)		Holster: (IA Code)		
Qualification Date:	Struck Body Armor?: Y / N		Assigned Call?: Y / N	
Left Right Handed? L / R	Penetrated Body Armor?: Y / N		Self Initiated?: Y / N	
# of Shots Fired:	Dept Issued Firearm?: Y / N		Backup?: Y / N	
# of Shots Struck Victim:	Weapon Reloaded?: Y / N		Fired at Vehicle?: Y / N	
Drew Gun?: Y / N	Weapon Reused?: Y / N		Vehicle Struck?: Y / N	
Wearing Body Armor?: Y / N	Fatality?: Y / N		Weapon Impounded : Y / N	
Weapon Type: (IA Code)		Weapon Make: (IA Code)		
Ammunition Type: (IA Code)		Ammunition Caliber: (IA Code)		
<b>COMPLAINANT INFORMATION</b>				
Complainant #	Complainant Name:			
Gang: (IA Code)	# of Shots Struck Officer:			
Cover Type: (IA Code)	# of Shots Fired:			
Weapon Type: (IA Code)	Weapon Make: (IA Code)			
Ammunition Type: (IA Code)	Ammunition Caliber: (IA Code)	Impairment: (IA Code)		

Revised 3/13/2001



**SUBJECT: DISCHARGES OF FIREARMS BY POLICE PERSONNEL**

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**I. PURPOSE**

- A. The Philadelphia Police Department recognizes the value of all human life and is committed to respecting the dignity of every individual. The primary duty of all police officers is to preserve human life.
  - B. The most serious act in which a police officer can engage is the use of deadly force. The power to carry and use firearms in the course of public service is an awesome responsibility. Only the minimal amount of force necessary to protect human life should be used by all officers.
  - C. Above all, the safety of the public and the officer must be the overriding concern whenever the use of firearms is considered.
- 

**II. POLICY**

- A. Members of this department will exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force. Deadly force will be used only as a last resort and then only to protect life, consistent with Department policy and the law. It is also the policy of this department that members will not unnecessarily or unreasonably endanger themselves in applying these guidelines to actual situations.
- B. Police officers shall not use deadly force against another person unless they reasonably believe they must protect themselves or another person present from imminent death or serious bodily injury.

NOTE: Serious bodily injury is defined as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- C. Police officers should not discharge their weapons when doing so will unnecessarily endanger innocent people.
- D. Police officers shall not discharge their firearms in defense of property.

**DIRECTIVE  
10-1**



- E. Police officers should ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions.

NOTE: Retreating or repositioning is not a sign of weakness or cowardice by an officer; it is often a tactically superior police procedure rather than the immediate use of force.

- F. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no threat of imminent death or serious physical injury to themselves or another person present.
- G. Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than the moving vehicle.
  - 1. An officer should never unnecessarily place himself/herself or another person in jeopardy in an attempt to stop a vehicle.
- H. Police officers will not fire warning shots under any circumstances.
- I. Police officers shall not discharge their firearm to summon assistance except in emergency situations when personal safety is endangered and no other reasonable means are available.
- J. Police officers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.
- K. Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat, or when acting consistently with existing Department guidelines authorizing the humane destruction of deer.
  - 1. When on location with an injured animal which is not presenting an immediate threat to the officer or another person, every attempt should be made to confine or contain the animal and notify Police Radio to contact the SPCA.
- L. Police officers will not use a firearm as a club.
- M. Police officers should only draw their firearm when they believe a potential for serious bodily injury or imminent death to himself/herself or another person exists.
- N. The Internal Affairs Bureau (IAB) will be notified of any incident involving the discharge of a firearm by police.

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**DIRECTIVE 10-2**

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### III. REPORTING DISCHARGES OF FIREARMS

A. The discharge of any firearm, whether accidental or intentional, by sworn personnel on duty or off duty (except test or target fire at a bona fide pistol range or lawfully hunting game) will be reported as follows:

1. The officer who fired the weapon will:
  - a. Immediately notify Police Radio of the occurrence and provide same with pertinent information regarding the need for supervisory personnel and emergency equipment, if required.
  - b. Inform the first supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence.
  - c. Make no additional statements to anyone except personnel of Internal Affairs.
2. Each officer at the scene of a discharge of a firearm by any police officer will:
  - a. Notify Police Radio of the discharge, unless the officer knows Police Radio has already received such notification.
  - b. Inform the first supervisor on the scene of the circumstances of the discharge and provide all relevant information concerning the incident.
  - c. Ensure the provisions of Directive 2, "Responsibilities at a Crime Scene" are followed.
3. Police Radio will:
  - a. Ensure that a district supervisor is dispatched to the scene.
  - b. Immediately make the following notifications:
    - (1) Internal Affairs Bureau (IAB)
    - (2) Homicide Division (only when death occurs or is likely to occur, or an officer is struck by gun fire)
    - (3) Detective division of occurrence
    - (4) District of occurrence
    - (5) District or unit to which officer is assigned
    - (6) Command Inspection Bureau (CIB), if applicable
    - (7) Crime Scene Unit (CSU).
4. First supervisor on scene will be responsible for the following:

**DIRECTIVE 10-3**

- a. Ensure that Police Radio has been notified of the incident.
- b. Determine which officer(s) fired their weapon(s) by examining the magazine/cylinder of the weapon of each officer present during the discharge.
- c. Any officer having left the scene prior to the supervisor's arrival, will be recalled in order to have his/her weapon inspected.

(1) Glock (semi-automatic) weapon inspection:

Instruct the officer(s) to remove the magazine for inspection and note the number of rounds. If the weapon has been fired, record the number of remaining rounds and take possession of the magazine. Supervisors, who are not Glock-trained, are prohibited from physically handling the weapon (excluding the magazine) during the inspection.

(2) Revolver inspection:

Pay special attention to the cylinder position before ordering the officer to open his/her weapon's cylinder. Note the condition of each round in all chambers and what chamber was located under the firing pin when the cylinder was opened. If the weapon has been fired, take note of the number of spent cartridges and take possession of all six rounds of ammunition, live or spent.

- d. Allow involved officer(s) to retain custody of the firearm, absent any exigent circumstances and reload their weapon with six new rounds or a new magazine. This will be done to ensure officers have a fully-loaded weapon while being transported to IAB.
- e. Ensure that information concerning the location(s) of the crime scene(s), and the general circumstances relative to the preservation and collection of physical evidence is provided by the involved officer(s) and disseminated to the assigned investigator by remaining at the scene until arrival of divisional detective personnel.
- f. Ensure that the provisions of Directive 2, "Responsibilities at Crime Scenes" are carried out.
- g. Escort the involved officer(s), if not incapacitated, directly to IAB. In the event that there are more officers than can be transported in one vehicle, another supervisor will be summoned to provide transportation.

**DIRECTIVE 10-4**

- (1) It is not necessary to have one supervisor for each involved officer.

NOTE: The first supervisor on the scene (Corporal, Sergeant, or Lieutenant)

will not delegate the responsibility of transporting officers to any other supervisor regardless of the district/unit assignment of the officer(s) involved. However, command-level personnel (captain or above) may assign a subordinate supervisor to transport involved officers in the event a commander is the first superior officer on the scene.

5. The Operations Room Supervisor (ORS) of the district of occurrence will:
  - a. Make notification via computer terminal to IAB by accessing the two-page IAB Notification Screen using computer code SEND/IA1A/901.

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#### **IV. INVESTIGATION OF POLICE DISCHARGES**

A. The involved officer will:

1. Whether or not the discharge results in death or injury to any person, shall be temporarily assigned to non-street duties inside his/her command with their squad.
2. Have their case reviewed within five business days by Internal Affairs and returned to active duty unless circumstances exist that dictate otherwise.

**EXCEPTION:** Officers who discharge at deer will be returned to duty immediately after arrival of an IAB investigator. IAB will not come out to the scene when SWAT has killed a deer or other wild animal, except canines.

B. The Homicide Unit will:

1. Investigate all cases involving the discharge of firearms by police personnel resulting in or likely to result in death. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to IAB within seven calendar days.

C. The Detective Division of Occurrence will:

1. Investigate all other cases involving the discharge of firearms by police personnel. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to IAB within seven calendar days.

#### **DIRECTIVE 10-5**

**NOTE:** Other investigative units involved will coordinate their efforts with the assigned detective division.

D. Crime Scene Unit personnel will:

1. Process the scene after conferring with the assigned investigator.

E. The Officer's Commanding Officer will:

1. Ensure the commanding officer, IAB is notified.
2. Contact the Police Department's Employee Assistance Unit (EAP), within five (5) business days, in order to arrange confidential counseling whenever an officer has discharged his/her firearm, except at an animal.

NOTE: Commanding officers may use their discretion regarding required EAP counseling when the discharge is at an animal.

3. Also be responsible for having the officer retrained at the Lethal and Protective Weapons Unit (LPWU) before returning to duty (Exception: discharges at deer.)
4. Should the Commanding Officer, IAB, determine that circumstances exist to require the officer to remain off street duty, then he/she will submit a memo to the Police Commissioner within five (5) business days of the discharge seeking approval to extend the time period. If approval is granted, the Commanding Officer, IAB will so inform the involved officer's commanding officer. Absent other circumstances, the officer will be returned to street duty after five (5) business days.

F. The Internal Affairs Bureau will:

1. Assist in all investigations of discharges of firearms by police personnel.
2. Ensure a member of the IAB Shooting Team interviews the officer that fired the weapon.
3. Prepare a Supplemental Report (75-52) detailing the results of the IAB investigation.

NOTE: Upon completion of the supplemental report, the Chief Inspector, Internal Affairs Bureau (IAB), will forward a complete report to the Deputy Commissioner, Internal Affairs who will forward it to the Firearms Review Board Chairman.

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**DIRECTIVE 10-6**

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**V. CUSTODY AND DISPOSITION OF FIREARMS DISCHARGED BY POLICE PERSONNEL**

- A. The Internal Affairs Unit will prepare a Property Receipt (75-3) at IAB containing the

following information: the firearm's make, model, caliber, and serial number. A second 75-3 will be prepared for the fired cartridge(s) and unfired ammunition. The IAB Police Shooting case number will be indicated on both Property Receipts.

- B. In discharges of firearms not resulting in injury and in any discharge (accidental or intentional) resulting in the shooting of an animal, the discharged firearm will be given to the transporting supervisor in accordance with the following guidelines:
1. When the firearm is to be returned, the assigned IAB investigator will designate, in the description section of the Property Receipt containing the firearm information, "FIREARM IS TO BE TEST FIRED AND RETURNED." The assigned IAB investigator's signature and date will follow. IAB will retain the white (control) copy of the Property Receipt for their records.
  2. The transporting supervisor will transport the firearm, fired cartridge(s), and unfired ammunition and both Property Receipts directly to Police Headquarters.
    - a. When the Firearms Identification Unit (FIU), Room 302 Police Headquarters is open, FIU will test fire and make every effort to expedite the examination and return the weapon to the involved officer. The test shots and firearm-related materials (bullets, specimens, and/or fired cartridge cases) will be retained at FIU.  
  
NOTE: FIU is closed only on the 12 - 8 tour of duty, on weekends, and holidays.
    - b. When FIU is closed, the Evidence Receiving Clerk—Laboratory Division will aid the officer in securing his/her firearm in the mobile firearms storage box. A replacement firearm will immediately be issued to that officer. Subsequently, the FIU will contact the officer for return of his/her original firearm.
    - c. The firearm will be unloaded, but not cleaned prior to examination.
    - d. Upon completion of the FIU examination, a copy of the findings will be forwarded to IAB and the pertinent detective division.
- C. In all deliberate shootings (not involving animals) where an injury or death occurs and all accidental discharges of firearms resulting in injury or death, the following guidelines will be followed:

**DIRECTIVE 10-7**

1. The assigned IAB investigator will interview the involved officer and determine if the firearm can be returned to the officer.
2. If the firearm is to be returned to the officer, follow the procedure in Section V,B,1, and 2, except that the actual transportation of the weapon to FIU will be done by IAB.
3. If the firearm is not to be returned, the assigned IAB investigator will designate in the

description section of the Property Receipt containing the firearm information, one of the following:

- a. FIREARM IS TO BE TEST FIRED AND RETAINED—ISSUE A REPLACEMENT WEAPON.
  - b. FIREARM IS TO BE TEST FIRED AND RETAINED—DO NOT ISSUE REPLACEMENT WEAPON.
4. The assigned IAB investigator's signature and date will follow. IAB will retain the white (control) copy of any Property Receipt.
  5. The assigned IAB investigator will transport the firearm, fired cartridge(s), and unfired ammunition, and both Property Receipts directly to Police Headquarters.
    - a. When the Firearms Identification Unit (FIU) is open, the FIU clerk will take possession of the weapon and other material.
    - b. When FIU is closed, the Evidence Receiving Clerk, Laboratory Division will aid the IAB investigator in properly securing the weapon and related material in the mobile firearms storage box.
    - c. If a replacement firearm is to be issued, the involved officer upon leaving IAB, will proceed to FIU or Evidence Receiving Clerk—Laboratory Division.
  6. FIU will test fire the firearm in question and forward a copy of the findings to IAB and the pertinent Detective Division.

#### D. City-Owned Firearms

1. IAB will determine the disposition of the City-owned firearm and notify FIU to transport the discharged firearm to the Lethal and Protective Weapons Unit (LPWU). All other evidence, including fired cartridge(s) and unfired ammunition will be stored in the weapons vault at the Police College until released by IAB.

#### **DIRECTIVE 10-8**

2. During the second week of January and July, a status review of City-owned firearms being retained under the above conditions will be conducted by the Commanding Officer, Lethal and Protective Weapons Unit (LPWU) and IAB to determine which weapons may be returned to inventory.

NOTE: In discharges of approved privately-owned firearm carried on duty by police personnel, the same procedure will apply.

## **VI. DESTROYING INJURED DEER**

- A. Firearms should not be used to destroy injured deer when they are not presenting an immediate threat to the officer or another person. Attempt to contact the Pennsylvania Game Commission at (610) 926-3136 or 1-(877) 877-9470.
- B. If the above agency is unavailable and the severity of the injuries are such that the animal should be destroyed for humane reasons, officers will first request the assistance of the SWAT Unit, who will be responsible for its destruction.
- C. SWAT personnel will:
  - 1. Upon destroying an animal, be responsible for completing the preformatted memorandum and the 75-48.
    - a. The memorandum and 75-48 will be submitted to the IAB Shooting Team within 24 hours of the incident.
- D. If the SWAT Unit is unavailable, the officer may destroy the deer, but only in the presence and on the orders of a supervisor.

NOTE: Usually one shot between the eyes or behind the ear of the animal should be sufficient to complete the task. However, in the event it becomes necessary for police personnel to destroy any animal suspected of being rabid by use of a firearm it is preferred that the animal be shot in the body rather than the head. The head needs to be examined by the Philadelphia Department of Public Health.

- 1. Police Radio will notify the IAB Shooting Team and the discharging officer and on-scene supervisor will remain on the scene until their arrival. (Exception: When SWAT personnel have performed the task.)
- E. Consideration should be given before discharging a weapon to destroy any animal (i.e., the close proximity of people and buildings, type of back stop or ground, etc.)

### **DIRECTIVE 10-9**

- F. The Streets Department will be notified, via Police Radio, to remove the carcass of deer or other animals, found or destroyed by police personnel. Suspected rabid animals that are shot by police will be transported by the SPCA. Dogs that are shot by police will be transported by the SPCA or to the SPCA by police. They will not be transferred to any veterinary hospital or private veterinarian even if the animal is still alive.

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## **VII. FIREARMS REVIEW BOARD (F.R.B.)**



- A. The Firearms Review Board will function as an administrative tool to provide the Police Commissioner with information and recommendations regarding the use of deadly force by police personnel.
- B. The Firearms Review Board will be composed of:
  - 1. Designated Deputy Commissioner, who will act as chairperson.
  - 2. Chief Inspector, Detective Bureau
  - 3. Chief Inspector, Internal Affairs Bureau
  - 4. Commanding Officer, Education and Training Bureau.
- C. The Chairperson of the FRB will receive copies of all investigative reports on all discharges of firearms by police personnel.
- D. The FRB will examine the facts of every case in which a police officer discharges a firearm (excluding training, target practice on a bona fide firing range, or lawful hunting of game).
- E. The Chairperson will convene the Board for the purpose of reviewing the investigative reports on each case.
  - 1. If the review indicates that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Police Commissioner in writing.
  - 2. If the review indicates that further information is required, the Chairperson will schedule a hearing and summon the involved officer(s) and any witnesses necessary to enable the Board to complete its review.
    - a. If the Board determines as a result of the hearing that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Police Commissioner in writing.
    - b. If the Board determines as a result of the hearing that the officer's action was not in accordance with departmental policy, the Chairperson will so notify the Police Commissioner and recommend a full hearing before the Police Board of Inquiry (PBI).

**DIRECTIVE 10-10**

NOTE: The findings of the FRB will in no way be determinative of the final disposition of any hearing before the PBI.

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**RELATED PROCEDURES: Directive 2, Responsibilities at Crime Scenes  
Directive 22, Use of Force  
Directive 74, Animal Control**

**Directive 100, Official Authorized Weapons and Reporting Transactions of Other  
Firearms by Police Personnel**

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This Directive replaces Directive 10 dated 6-29-89 as well as all accompanying computer messages.

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**BY ORDER OF THE POLICE COMMISSIONER**

**DIRECTIVE 10-11**

# PHILADELPHIA POLICE DEPARTMENT USE OF FORCE REPORT

District Control Number	Date of Incident	Time of Incident	Day of Week
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Origin of Incident  Radio Call  Sight  Person  Other \_\_\_\_\_

Place of Occurrence: (Exact Address if Known) \_\_\_\_\_ Nature of Assign/Contact: \_\_\_\_\_

Type of Premises: Outside:  Lighting  Day  Dusk  Night  
 Indoors:  Lighting  Good  Poor  Unlighted

Weather Conditions:  Clear  Rain  Fog  Cloudy  Snow  Windy  Other (Specify) \_\_\_\_\_

Involved Police Officer: Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_

Rank \_\_\_\_\_ Payroll # \_\_\_\_\_ Badge# \_\_\_\_\_ Race \_\_\_\_\_ Sex  Male  Female Age \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Dist/Unit of Assignment \_\_\_\_\_ Work Assignment \_\_\_\_\_

Tour of Duty:  8x4  4x12  12x8  Other \_\_\_\_\_  Regular Shift  OT Shift  Off Duty

Attire:  Uniform  Civilian Clothes At Time of Incident:  Solo  2 Person  More than 2 persons

**Type of Force Used by Police** (Check Appropriate Blocks)

Baton  OC Spray  Taser  
 Vehicle  Canine  Blunt Object  
 Other Weapon/Type of Force: \_\_\_\_\_

**Number of Times Force Used by Police This Incident:**

Baton (effect on subject):  None  Mild  Moderate  Substantial  Incapacitated

Taser (effect on subject):  None  Mild  Moderate  Substantial  Incapacitated

OC Spray (effect on subject):  None  Mild  Moderate  Substantial  Incapacitated

Officer Contamination:  Yes  No Back-up Officer Contamination:  Yes  No

Was OC Spray/Taser Effective in Overcoming Force/Threat:  Yes  No If No, explain police action: \_\_\_\_\_

Was OC Spray Used on a Dog?  Yes  No Other Animal:  Yes  No

Did Animal Attack or Did It Threaten to Attack?  Attacked  Threatened

**Force or Threat of Force Against Police Officer**

Active Resistance  Kicks/Punches  Blunt Instrument  Firearm  Knife

Other: \_\_\_\_\_

Police Hospitalized:  Yes  No  Hospital Admission Or Treated for Injury:  Yes  No Photo of Injuries  Yes  No

Name of Hospital: \_\_\_\_\_ Physician: \_\_\_\_\_

Description of Injury/Medical Treatment: \_\_\_\_\_

**Other Police Witnesses**

Badge	PR#	Last Name	First Name	Dist/Unit of Assignment

DO NOT USE THIS FORM FOR THE DISCHARGE OF A FIREARM

(Please print except in signature blocks)

**COMPLETE ADDITIONAL FORMS FOR ALL SUBJECTS AND POLICE PERSONNEL**

Subject Information							
Last Name		First			MI		
Address:		City:		State:		Zip Code:	Ph#
Race	Age	Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Arrest Number	
Primary Charge:			All Secondary Charge(s):				<input type="checkbox"/> 302
Subjects Behavior/Condition at Confrontation (circle one or more below):							
Calm/Passive		Intoxicated	Drugged	Mentally Ill	Hostile	Other: _____	
Injury to Subject (Circle one or more below):						Burn	OC Contamination
None	Taser Shock	Concussion	Dislocation	Lacerations	Nerve Damage	Dog Bite	Puncture Wound
Abrasion	Bruise	Fracture	Human Bite	Paralysis	Unconscious	Sprain/ Twist	Soft Tissue Damage
Other: _____		Complaint of Pain: _____					
Body Parts Injured or Effected (circle one or more below):							Eyes
Abdomen	Back	Elbow	Fingers	Hands	Internal	Neck	Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No
Ankle	Buttocks	Face	Genitals	Head	Knees	Shoulder	
Arm	Chest	Feet	Groin	Hip	Legs	Wrist	
Medical Treatment:		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Refused			
Hospital:		Physician:			Admitted		<input type="checkbox"/> Yes <input type="checkbox"/> No
Was Subject Wearing Contact Lenses (OC Cases):				<input type="checkbox"/> Yes <input type="checkbox"/> No	Were Lenses Removed:		<input type="checkbox"/> Yes <input type="checkbox"/> No
Description of Injury/Medical Treatment:							
<b>Civilian Witnesses:</b>							
Last Name		First Name:			MI		
Address:		City:		Zip Code:			
Home Phone:		Work Phone:					
Last Name		First Name:			MI		
Address:		City:		Zip Code:			
Home Phone:		Work Phone:					
<b>Summary of Incident:</b>							
Police Officer's Signature:							
(Printed) Last Name:		First Name			MI	Badge:	Payroll:
Supervisor's Signature:							
(Printed) Last Name:		First Name			MI	Badge:	Payroll:
Platoon Commander's Signature:							
(Printed) Last Name:		First Name			MI	Badge:	Payroll:
Commanding Officer's Signature:							
(Printed) Last Name:		First Name			MI	Badge:	Payroll:
<b>Internal Affairs Division Notification</b>							
Date:		Time:		General #:			

1. **GENERAL INFORMATION**

A. The policies of the Phoenix Police Department (PPD) are set forth as follows:

- Physical force
- Deadly force
- Less-lethal force
- Lethal weapons and equipment

B. Sworn Employees and affected police department employees will be instructed in these policies before employing any of the weapons, tactics, or techniques.

C. Only department-issued or approved weapons, equipment, and chemical agents will be authorized.

2. **DEFINITIONS**

<b>Reasonable Belief</b>	<ul style="list-style-type: none"> <li>• When the facts and circumstances cause a reasonable and prudent law enforcement officer to act or think in a similar way under the circumstances.</li> </ul>
<b>Less-Lethal Force</b>	<ul style="list-style-type: none"> <li>• Is a tactic that when properly applied has minimal or no risk of causing death.</li> </ul>
<b>Deadly Force</b>	<ul style="list-style-type: none"> <li>• Any tactic or use of force that is likely to cause death or serious physical injury, such as the use of a firearm.</li> </ul>
<b>Serious Physical Injury</b>	<ul style="list-style-type: none"> <li>• A bodily injury that creates a reasonable risk of death; causes serious and permanent disfigurement; or results in long term loss or impairment of the functioning of any bodily member or organ.</li> </ul>
<b>Excessive Force</b>	<ul style="list-style-type: none"> <li>• The application of an unreasonable amount of force in a given incident based on the totality of the circumstances.</li> </ul>
<b>Types of Resistance</b>	<ul style="list-style-type: none"> <li>• Psychological Intimidation - Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness.</li> <li>• Verbal Non-Compliance - Verbal responses indicating unwillingness or threats.</li> <li>• Passive Resistance - Physical actions that do not prevent officer's attempt to control.</li> <li>• Defensive Resistance - Physical actions that attempt to prevent officer's control, but does not involve attempts to harm the officer.</li> <li>• Active Aggression - Physical actions of assault.</li> <li>• Aggravated Active Aggression - Deadly force encounter</li> </ul>
<b>Response Options</b>	<p>The option used is determined by the totality of the circumstances</p> <ul style="list-style-type: none"> <li>• Presence - Identification of authority.</li> <li>• Verbal Direction - Commands of direction or arrest.</li> <li>• Soft Empty Hand Control and Restraining Devices - Techniques that have a minimal chance of injury. <ul style="list-style-type: none"> <li>* Restraining Devices - Handcuffs, Ripp restraint, ankle cuffs, shackles, wolf strap (transport use only)</li> </ul> </li> <li>• Chemical Weapons - Oleoresin capsicum, C/N, and C/S.</li> <li>• M26 Advanced Taser</li> <li>• Intermediate Control Techniques - Techniques that have a probability of injury. <ul style="list-style-type: none"> <li>* Hard Empty Hand Control</li> <li>* Impact Weapons</li> <li>* Stunbag Shotgun</li> <li>* Canine Application</li> </ul> </li> <li>• Carotid Control Technique</li> <li>• Deadly Force</li> </ul>

<b>USE OF FORCE</b>	Operations Order <b>1.5</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev. 09/00 <b>PAGE 2</b>

3. **GENERAL POLICY**

- A. It is the policy of the Phoenix Police Department to use a reasonable amount of force to conduct the lawful public safety activities of the department.
- B. The response option employed will be reasonable and based on the totality of circumstances.
  - (1) Officers involved in the use of force have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary reports, memos, etc.
  - (2) Such circumstances that may govern the reasonableness of using a particular force option include, but are not limited to:
    - The severity of the crime
    - Whether the suspect poses an immediate threat to the safety of officers or others
    - Whether the suspect is actively resisting arrest or attempting to evade arrest by flight
- C. All sworn employees will intervene, if a reasonable opportunity exists, when they know or should know that another employee is using unreasonable force.
  - All sworn employees will immediately verbally report excessive force to a supervisor
- D. Medical Treatment - Officers are responsible for requesting medical treatment for suspects against whom force was used.
  - (1) Any time there is an injury or an alleged injury as a result of force used by department personnel, employees will:
    - Examine any person claiming injury and render first aid if necessary.
    - Request paramedics to respond to the scene, if appropriate.
    - Immediately notify a supervisor.
- E. When practical only those techniques taught by the department proficiency skills instructors will be used.

4. **RESPONSE OPTIONS**

- A. Presence
  - Presence is established through identification of authority.
  - The presence of a canine at a scene falls under this parameter.
- B. Verbal Persuasion, Negotiation or Command
  - Includes instruction or direction from an officer in the form of verbal statements or commands.

4. C. Soft Empty Hand Techniques and Restraining Devices - These techniques have a minimal chance of injury

(1) Control and restraint techniques include, but are not limited to:

- Wrist locks
- Joint locks
- Pressure points
- Handcuffing (metal, plastic, or soft restraint devices)
- Restraining devices (Ripp restraint, ankle cuffs, shackles, wolf strap (transport use only))

(2) Employees will not restrain suspects with their legs behind their back (hog-tying)

D. Chemical Agents - The use of chemical agents is considered a less-lethal tactic

<p><b>Oleoresin Capsicum (OC) Spray (Punch II)</b></p>	<p>May be used when reasonable and justified in the following situations:</p> <ul style="list-style-type: none"> <li>• To prevent the possibility of injury to an officer or another person</li> <li>• To ward off threatening dogs or other animals</li> <li>• In tactical building entries such as search warrants</li> <li>• To subdue a person who is: <ul style="list-style-type: none"> <li>* Threatening or attempting physical harm to himself or another</li> <li>* Resisting an arrest</li> <li>* Rioting</li> <li>* Interfering with an arrest</li> </ul> </li> </ul> <p><u>Carrying Procedures</u></p> <ul style="list-style-type: none"> <li>• Uniformed Employees <ul style="list-style-type: none"> <li>* All uniformed employees will be trained in the use of OC spray.</li> <li>* It will be mandatory equipment and will be attached to the gunbelt and carried at all times while on duty.</li> <li>* It will be carried with the canister in an upright position.</li> </ul> </li> <li>• Sworn Plainclothes Employees <ul style="list-style-type: none"> <li>* All plainclothes employees will be trained in the use of OC spray.</li> <li>* Sworn employees in plainclothes below the rank of commander will carry 3/4-ounce OC spray as readily available as their weapon.</li> </ul> </li> <li>• Undercover Operations <ul style="list-style-type: none"> <li>* Carrying OC spray is optional for sworn employees assigned to undercover operations.</li> </ul> </li> <li>• Civilian Employees <ul style="list-style-type: none"> <li>* Civilian employees authorized to carry OC spray will comply with the guidelines in this policy.</li> </ul> </li> </ul>
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4. D. Chemical Agents: (Continued)

<p><b>Oleoresin Capsicum (OC) Spray Punch II</b> (Continued)</p>	<p><u>Directions for Use</u></p> <ul style="list-style-type: none"> <li>• Employees using the 2-ounce OC spray will direct a one-second burst into the face of the suspect, effective range is normally 8-10 feet.</li> <li>• Employees using the 3/4-ounce spray will direct a three-second burst into the face of the suspect, effective range is normally 6-8 feet.</li> <li>• The suspect should then be immediately handcuffed and moved to a well-ventilated area; medical help will be requested should a suspect complain or display any severe or abnormal reaction to the spray.</li> <li>• Employees will not unnecessarily display or handle any Oleoresin Capsicum (OC) Spray Punch II</li> </ul> <p><u>Post-Use Care</u></p> <ul style="list-style-type: none"> <li>• Warm water can be used to flush the eyes without rubbing.</li> <li>• If water is not available, the Fire Department will be called to the scene.</li> <li>• Suspects should recover within 45 minutes; however, intense sensation of skin burning may persist for 30 to 90 minutes after exposure.</li> <li>• Salve or ointments <b>should not</b> be used on affected areas.</li> <li>• Suspects sprayed with OC will not be left unattended.</li> <li>• Paramedics will be called to the scene should a suspect exposed to OC spray complain or display any severe or abnormal reaction to the spray at any time.</li> <li>• Employees will continue to provide post-use care to the suspect until the suspect has recovered from the effect of the spray.</li> <li>• Employees will not lay suspects on their stomach in a police vehicle.</li> </ul>
<p><b>Oleoresin Capsicum Spray Mark-9 Canister 18.34 ounce</b></p>	<p><u>Authorized Personnel</u></p> <ul style="list-style-type: none"> <li>• Supervisors</li> <li>• Officers and supervisors of SAU, RDU, DOU, and TRU</li> <li>• Canine officers</li> </ul> <ul style="list-style-type: none"> <li>• Supervisors may direct an officer to deploy the Mark-9 canister when reasonable to do so.</li> </ul> <p><u>Directions for Use</u></p> <ul style="list-style-type: none"> <li>• Employees using the Mark-9 canister OC spray will direct a one-second burst into the face of the suspect from a minimum distance of 15 feet.</li> <li>• Employees using the Mark-9 canister OC spray in a riot control situation should direct the spray face level, from a minimum distance of 15 feet, into the crowd until the desired effect is achieved.</li> <li>• Employees will not unnecessarily display or handle any Oleoresin Capsicum Spray Mark – 9 canister 18.34 ounce.</li> </ul> <p><u>Post-Use Care and Restrictions</u></p> <ul style="list-style-type: none"> <li>• The same post-use care will be used as listed above for Punch II.</li> </ul>
<p><b>Tactical Chemical Agents</b></p>	<ul style="list-style-type: none"> <li>• Tactical chemical agents are considered non-lethal weapons.</li> <li>• Detailed training, deployment procedures, and tactical considerations are found in the appropriate bureau manuals.</li> </ul>



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4. D. Chemical Agents: (Continued)

<b>Tactical Chemical Agents (Continued)</b>	<p><u>Delivery Systems</u></p> <ul style="list-style-type: none"> <li>• Isper Jet</li> <li>• 37mm Gas Delivery System</li> <li>• Ferret Rounds</li> </ul> <p style="margin-left: 40px;">* Ferret Rounds will not be directed at individuals because of the possibility of serious injury if the round strikes a person.</p> <p style="margin-left: 40px;">* Ferret rounds will not be used against moving vehicles.</p> <p><u>Authorization for Use</u></p> <ul style="list-style-type: none"> <li>• The use of tactical chemical agents will be limited to those officers and supervisors specifically authorized and trained in their use.</li> <li>• The Special Assignments Unit (SAU) is responsible for tactical chemical agent training; grenadier 1 and 2 levels, and will maintain the roster of officers certified to deploy chemical agents.</li> <li>• SAU, RDU, DOU, AND TRU supervisors may authorize use of tactical chemical agents.</li> </ul>
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E. M26 Advanced Taser

<b>General Information</b>	<ul style="list-style-type: none"> <li>• The M26 Advanced Taser is a less than lethal device, which uses propelled wires to conduct electrical energy which overrides a subject's central nervous system, incapacitating the subject.</li> <li>• The M26 Advanced Taser is a force option and its deployment will be reasonable and based on totality of the circumstances known by the officer at the time.</li> </ul> <p><u>Authorized personnel</u></p> <ul style="list-style-type: none"> <li>• Only Employees the rank of officer who are department certified as M26 Advanced Taser Operators are authorized to carry and deploy this device.</li> <li>• The M26 Advanced Taser is the only model authorized by this department.</li> </ul>
<b>Guidelines For Use</b>	<ul style="list-style-type: none"> <li>• The M26 Advanced Taser may be used on subjects who are using defensive resistance, active aggression, aggravated active aggression, or who are a threat to themselves.</li> <li>• Employees will not unnecessarily display or handle the M26 Advanced Taser</li> </ul> <p><u>The M26 Advanced Taser will not be used in the following circumstances:</u></p> <ul style="list-style-type: none"> <li>• Coercion of any type</li> <li>• Intimidation by reckless display</li> <li>• Escorting or prodding individuals</li> <li>• Waking unconscious or intoxicated individuals</li> <li>• Individuals operating a motor vehicle</li> <li>• Individuals holding a firearm when their finger is on the trigger</li> <li>• Handcuffed prisoner's resisting/refusing to enter a police vehicle, holding room, or hanging onto a railing or other item, etc.</li> </ul> <p><u>Primary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• Center mass of the subject's back</li> </ul> <p><u>Secondary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• If unable to fire at the subject's back, officers will fire at either side of the body.</li> <li>• The front center mass of the subject may be used if other target areas are unavailable.</li> </ul>

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4. E. M26 Advanced Taser: (Continued)

<b>Guidelines (Continued)</b>	<p><u>Target Areas for Touch Stun</u></p> <ul style="list-style-type: none"> <li>• Muscle or nerve points on the front, back, side, legs, and arms (radial nerve, brachial plexus tie-in, common peroneal etc.)</li> </ul> <p><u>Non-Target Areas</u></p> <ul style="list-style-type: none"> <li>• Head, neck and groin</li> </ul> <p><u>Ranges for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• Maximum range 21 feet</li> <li>• Minimum recommended effective range 3 feet</li> <li>• Preferred range 12 to 18 feet</li> </ul> <p><u>Tactical Considerations</u></p> <ul style="list-style-type: none"> <li>• Announce deployment to prevent contagious fire</li> <li>• Communicate with other officers upon arriving at the scene</li> <li>• The following should be considered prior to using the device on suspects in water: <ul style="list-style-type: none"> <li>* Any significant amount of water may cause the subject to drown and will hinder other officers assisting in the apprehension of the suspect.</li> <li>* Deep water reduces the target area.</li> </ul> </li> <li>• <b>Do not</b> use when: <ul style="list-style-type: none"> <li>* The suspect is in danger of falling from a significant height.</li> <li>* In conjunction with OC spray</li> <li>* Suspects are near flammable liquids or gases.</li> </ul> </li> </ul> <p><u>Impounding Procedures</u></p> <ul style="list-style-type: none"> <li>• Place the probes backward in the spent cartridge and cover with a biohazard sticker.</li> <li>• The cartridge, probes, and some identification affids will be impounded in a plastic container and then into a plastic evidence envelope and marked with biohazard stickers and impounded as evidence on the arrest report.</li> <li>• The spent cartridge serial number will be included on the invoice and in the DR.</li> <li>• Reporting procedures – see paragraph 6 of this order</li> </ul>
<b>Medical Treatment</b>	<p><u>Effects of the M26 Advanced Taser</u></p> <ul style="list-style-type: none"> <li>• Minor Puncture wounds and skin irritation</li> <li>• Has no effect on heart rhythms, but may cause temporary disruption to pacemakers with no long-term effects</li> </ul> <p><u>Upon deployment officers will:</u></p> <ul style="list-style-type: none"> <li>• Request paramedics respond to the scene</li> <li>• Prior to arrival of paramedics, M26 Advanced Taser Operators may remove probes from the subject, while wearing latex gloves, keeping in mind blood borne pathogen concerns.</li> <li>• <b>Do not</b> remove probes from the subject's eyes, face neck or groin.</li> <li>• Notify a supervisor who will respond to the scene</li> </ul>

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4. F. Intermediate Control Techniques - Techniques that have a probability of injury.

<p><b>Hard Empty Hand Techniques</b></p>	<p><u>Include but are not limited to:</u></p> <ul style="list-style-type: none"> <li>• Closed fist strikes</li> <li>• Hammer fist strikes</li> <li>• Palm-heel strikes</li> <li>• Kicks</li> <li>• Knee strikes</li> <li>• Elbow strikes</li> </ul> <p><u>Guidelines for Use</u></p> <ul style="list-style-type: none"> <li>• Areas to avoid are the neck, back, sternum, kidneys and groin.</li> <li>• Hard empty hand techniques may be used when facing the active aggression level of resistance</li> <li>• Although these techniques may be used in some situations when facing passive resistance, officers will first attempt verbal persuasion and soft empty had techniques when practical.</li> <li>• Closed fist, palm-heel, and elbow strikes are the only techniques that may be used to strike the face and head and then only when reasonable as a means to overcome a violent attack.</li> </ul> <ul style="list-style-type: none"> <li>* A supervisor will be advised and will respond to the scene to view and evaluate the suspect.</li> <li>* Jail personnel will be advised; the use of force option will be noted on the booking slip.</li> </ul>
<p><b>Impact Weapons</b></p>	<p><u>Straight, Side-handle, or Expandable Baton</u></p> <ul style="list-style-type: none"> <li>• Impact weapon strikes may be used when facing the active aggression level of resistance.</li> <li>• Passive resistance or resistance such as a prisoners refusal to enter a police vehicle or holding room, to let go of a railing, etc., is not sufficient in itself to justify the use of impact weapon strikes.</li> <li>• When the use of the impact weapon is warranted, officers will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury.</li> <li>• Officers will not purposely strike or jab suspects with an impact weapon on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation.</li> </ul> <p><u>Authorization to Carry Impact Weapons</u></p> <ul style="list-style-type: none"> <li>• Employees may carry impact weapons at their discretion unless specifically required otherwise.</li> <li>• The impact weapon will meet specifications of Operations Order 3.15, Uniform Policy.</li> <li>• Employees who elect to carry an impact weapon must satisfactorily complete the appropriate course taught by a department impact weapons instructor.</li> </ul>

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4. F. Intermediate Control Techniques: (Continued)

<b>Flashlights</b>	<ul style="list-style-type: none"> <li>Flashlights are not designed as impact weapons; however, a flashlight may be used as an impact weapon if a baton is not readily available.</li> <li>Officers will not purposely strike or jab suspects with a flashlight on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation.</li> </ul>
<b>Canines</b>	<p>Canines are considered a less-lethal tactic when properly deployed.</p> <ul style="list-style-type: none"> <li>Canines will not be used for control of crowds or in any circumstances where a strong potential exists for discrediting the department.</li> <li>Canines may be used to search for or apprehend felony suspects when public or officer safety is threatened sufficiently to justify this level of force.</li> <li>Canines may be used to search for misdemeanor suspects; however, the animal will remain on lead unless officer safety is threatened.</li> </ul> <p><u>Procedures for Deploying Canines</u></p> <ul style="list-style-type: none"> <li>Whenever time and circumstances permit, a verbal warning will be given to a suspect before releasing the canine to conduct a search.</li> <li>An announcement identifying police authority and giving directions to the suspect should be made in addition to stating that the canine will be released if the suspect fails to comply.</li> <li>Detailed procedures for canine use are found in Operations Order 5.3, Specialized Investigations and Assistance, and the Tactical Support Bureau Manual.</li> </ul>
<b>Stun-Bag Shotguns And Sage SL-6 (SAU)</b>	<ul style="list-style-type: none"> <li>Stun-bag shotguns and Sage SL-6s (SAU) may be used in situations where distance is necessary to maintain officer safety and the use of impact weapons is a reasonable use of force (i.e., subduing a person who is threatening or attempting physical harm to himself or another).</li> <li>Stun-bag or Sage SL-6 (SAU) rounds should not be fired through mediums such as glass or chain link fences because the bag might tear and lead shot might be released.</li> <li>Officers should anticipate firing follow-up shots if the prior shot missed or was not effective.</li> <li>The affected bureau/precinct/duty commander will be immediately notified of all incidents involving the use of a stun-bag shotgun or Sage SL-6 (SAU).</li> <li>Optimal ranges for the stun-bag shotgun are between 5 and 20 yards.</li> <li>If possible, officers should consider other force options at less than 5 yards</li> </ul> <p><u>Primary Target Areas</u></p> <ul style="list-style-type: none"> <li>Arms below the elbow</li> <li>Lower abdomen</li> <li>Buttocks</li> <li>Legs</li> </ul> <p><u>Secondary Target Areas</u></p> <ul style="list-style-type: none"> <li>Arms above the elbow</li> <li>Back, excluding spinal cord area from base of skull to tailbone</li> <li>Knees</li> </ul>

4. F. Intermediate Control Techniques: (Continued)

<b>Stun-Bag Shotguns And Sage SL-6 (SAU) (Continued)</b>	<u>Non-target Areas</u> - Shots to non-target areas can result in fatal or serious injury. <ul style="list-style-type: none"> <li>• Head</li> <li>• Spine</li> <li>• Head</li> <li>• Thorax</li> <li>• Neck</li> </ul>
	<u>Additional Information</u> <ul style="list-style-type: none"> <li>• For specific guidelines reference the stun bag shotgun, refer to Operations Order 4.25, Firearms.</li> <li>• For specific guidelines reference the Sage SL-6, refer to the Tactical Support Bureau Manual.</li> </ul>

G. Carotid Control Technique

<b>Guidelines</b>	<ul style="list-style-type: none"> <li>• The carotid control technique is designed to reduce the flow of oxygenated blood to the brain.</li> <li>• If oxygenated blood flow to the brain is cut off for <b>four to six minutes</b>, irreparable brain damage may occur.</li> </ul>
	<u>When to Use the Carotid Control Technique</u> <ul style="list-style-type: none"> <li>• The carotid control technique should only be used on subjects who are using active aggression, aggravated active aggression, or who are a threat to themselves or others.</li> </ul>
	<u>Improper Applications of the Carotid Control Technique</u> <ul style="list-style-type: none"> <li>• This technique will not be used to render a suspect unconscious for the following situations:             <ul style="list-style-type: none"> <li>* Administrative reasons, such as obtaining fingerprints, photographs, etc.</li> <li>* If a suspect demonstrates passive resistance, such as refusing to enter a police vehicle, holding room, etc.</li> </ul> </li> </ul>
	<u>Post-Use Care</u> <ul style="list-style-type: none"> <li>• If a suspect is rendered unconscious as a result of the application of this technique, officers will comply with the following:             <ul style="list-style-type: none"> <li>* Immediately handcuff the suspect.</li> <li>* Roll the suspect onto the side and check for vital signs. Recovery time will vary, but usually takes 20 to 30 seconds.</li> <li>* Paramedics will be summoned to the scene <b>immediately</b> in all cases.</li> <li>* If cardiopulmonary resuscitation (CPR) is necessary, officers will remove the handcuffs <b>immediately</b>.</li> </ul> </li> </ul>
	<u>Notifications</u> <ul style="list-style-type: none"> <li>• A supervisor will be notified immediately that the carotid control technique was applied and will respond to the scene.</li> <li>• Employees will advise receiving officers, including detention personnel who may assume custody of the suspect, that the suspect was rendered unconscious by the use of the carotid control technique.</li> <li>• The use of the carotid control technique will also be reported on relevant PACE reports, booking slips, and referrals, etc.</li> </ul>

4. G. Carotid Control Technique: (Continued)

<b>Guidelines (Continued)</b>	<p><u>Restrictions</u></p> <ul style="list-style-type: none"> <li>• Employees will not use the technique more than once on the same suspect because of the possibility of progressive physical injury.</li> <li>• The suspect will remain handcuffed or restrained, as necessary, to avoid subsequent applications of the carotid control technique.</li> <li>• Officers will not restrain suspects who have had the carotid control technique applied with their legs behind their back (hog-tying).</li> </ul>
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H. Deadly Force

<b>Guidelines</b>	<p><u>Officers may use deadly force under the following circumstances:</u></p> <ul style="list-style-type: none"> <li>• When such force is reasonable to protect themselves or a third person from another's use or threatened use of deadly force</li> <li>• To prevent the escape of a subject whom the officer has probable cause to believe has committed an offense involving the infliction or threat of serious physical injury or death and is likely to endanger human life or cause serious injury to another unless apprehended without delay.</li> <li>• In situations where the officer must overcome an attack that the officer reasonably believes would produce serious physical injury or death to the officer or another person <ul style="list-style-type: none"> <li>* When the use of techniques taught by the department proficiency skills instructors is not practical under the circumstances, the officer may resort to any reasonable method to overcome the attack.</li> </ul> </li> <li>• When the circumstances justifying the use of deadly force no longer exist, deadly force will immediately be discontinued. <ul style="list-style-type: none"> <li>* Officers still may use reasonable force to maintain control and to protect themselves from danger.</li> </ul> </li> <li>• Deadly force is utilized as a last resort when other measures are not practical under the existing circumstances.</li> <li>• The intentional use of a police vehicle against a suspect on foot will be considered a use of deadly force. <ul style="list-style-type: none"> <li>* Officers <b>will not</b> attempt to deliberately collide with other vehicles or use a police vehicle to force <u>any</u> vehicle off the roadway.</li> </ul> </li> </ul>
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4. H. Deadly Force: (Continued)

<p><b>Guidelines</b> (Continued)</p>	<p><u>Use of Firearms</u></p> <ul style="list-style-type: none"> <li>• In addition to the guidelines listed above, employees will discharge firearms in connection with police activities only, and in accordance the following policies, whether on or off duty.</li> <li>• Employees will not unnecessarily draw or display any firearm, or carelessly handle a firearm.</li> <li>• Warning shots <b>will not</b> be fired.</li> <li>• When the shooting of a suspect appears imminent employees will, if practical, issue a verbal warning.</li> <li>• Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.</li> <li>• Employees will not discharge a firearm from a moving vehicle.</li> <li>• Firearms will only be used to kill an animal that poses an immediate danger to the employee or the public, when other means of protection are impractical.</li> </ul> <p><u>Vehicles</u></p> <ul style="list-style-type: none"> <li>• Weapons will not be fired solely to disable a moving vehicle. <ul style="list-style-type: none"> <li>* Weapons may be discharged at the driver, or other occupant, of a moving vehicle only when the officer has probable cause to believe that the subject poses an immediate danger of death or serious physical injury to the officer or others and the use of deadly force does not create a danger to the public that outweighs the benefits of its use.</li> </ul> </li> <li>• Officers will not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement. <ul style="list-style-type: none"> <li>* This is generally considered tactically unsound unless executed as part of a tactical plan that is intended to enhance safety.</li> <li>* This is not intended to prevent officers from moving in front of or around vehicles during the execution of routine traffic duties, such as directing traffic.</li> </ul> </li> <li>• Officers are reminded of the serious risks involved in reaching in or leaning into a running vehicle with an occupied driver's seat.</li> <li>• Exigent circumstances must exist before an officer may reach or lean into a running vehicle with an occupied driver's seat.</li> <li>• When it is safe to do so, placing a police vehicle directly in front and rear of the suspect vehicle provides an extra margin of safety.</li> </ul> <p><u>Notifications</u></p> <ul style="list-style-type: none"> <li>• Employees who discharge any firearm will make a verbal report to a supervisor as soon as possible and submit a written report as soon as practical. <ul style="list-style-type: none"> <li>* A command officer can make an exception to this requirement.</li> </ul> </li> <li>• The employee's bureau/precinct commander or the duty commander will be advised of the weapon discharge incident.</li> <li>• Firearms training, lawful target practice, and lawful hunting are exempt from this paragraph.</li> </ul>
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5. **RESPONSE OPTIONS TRAINING**

A. All sworn employees will receive annual training on the use of force options and policy by department authorized instructors, who are certified through Arizona Police Officers Standards and Training Board (AZPOST).

B. **Impact Weapons**

<b>Basic Impact Weapons Training</b>	<ul style="list-style-type: none"> <li>Recruits will receive basic impact weapons training while in the academy.</li> <li>Employees not previously certified in basic impact weapons usage may receive impact weapons training on duty or, if they are unable to complete the training during their assigned shift, in an authorized off-duty training program.</li> <li>Overtime will be authorized for any impact weapons certification/re-certification training only when employees are unable to complete the training during their regular on-duty shift.</li> </ul>
<b>Impact Weapons Proficiency Training</b>	<ul style="list-style-type: none"> <li>Employees carrying impact weapons will successfully demonstrate proficiency in its use annually.</li> <li>Department training records will reflect which impact weapon/s an officer has elected to carry and the date-required basic and proficiency training was completed.</li> </ul>

C. **Stun Bag Shotguns and Sage SL-6 (SAU)**

- All sworn employees assigned to patrol will be trained in the use of the stun bag shotgun.
- All sworn employees will receive stun bag training upon assignment to patrol and every year thereafter.
- See Operations Order 4.25, Firearms and the Tactical Support Bureau Manual

D. **Chemical Agents**

- All sworn employees below the rank of commander will receive training regarding use of OC spray annually.

E. **Carotid Control Technique**

- In order to use the carotid control technique an employee must satisfactorily complete the basic training course for carotid control.
- Employees will only use the carotid control technique taught by department defensive tactics instructors.
- Employees must pass a proficiency test administered by a department certified defensive tactics instructor.
- Officers will receive this training while attending post academy.
- Employees not previously trained in the basic carotid control technique must receive carotid control technique training and will demonstrate proficiency prior to utilizing it.
- Employees who are authorized to use the carotid control technique will demonstrate proficiency in its use annually.
- No other type of neck restraint/hold is authorized.

F. **Firearms**

- See Operations Order 4.25, Firearms.



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6. **REPORTING OF USE OF FORCE INCIDENTS** - Employees will document the use of each response option.

A. **General Reporting Guidelines** - Supervisors completing use of force reports will forward each report through the chain of command to their respective bureau/precinct commander for review.

<p><b>Officer Presence</b></p> <p><b>Verbal Persuasion Negotiation or Command</b></p> <p><b>Soft Empty Hand and Restraining Devices</b></p>	<p>Document the following as required in PACE DRs:</p> <ul style="list-style-type: none"> <li>• Officer presence</li> <li>• Verbal persuasion, negotiation or commands used</li> <li>• Soft Empty Hand and Restraining Devices</li> </ul> <p>Reporting requirements when injury or alleged injury occurs:</p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The PACE general heading use of force section will be completed and details of how the injury was sustained will be documented in the narrative section of the PACE DR.</li> <li>• If <b>no</b> injury is visible, this will also be documented.</li> <li>• The supervisor will complete a PACE Use of Force/Prisoner Injury Report.</li> </ul>
<p><b>Chemical Agents</b></p>	<p>Reporting requirements for <u>all</u> incidents involving the use of chemical agents:</p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The PACE general heading use of force section will be completed and details of the use of the chemical agent will be documented in the narrative section of the DR.</li> <li>• Details of the use of the chemical agent will be documented in the narrative section of the DR.</li> <li>• The contacted supervisor will complete a PACE Use of Force/Prisoner Injury Report only upon complaint of injury.</li> </ul> <p><u>Review of the Documentation</u></p> <ul style="list-style-type: none"> <li>• Supervisors will review all DRs that document use of chemical agents.</li> <li>• Documentation of this review will be noted in the Supervisor's Monthly Inspection Report (Form 80-38D).</li> </ul>
<p><b>M26 Advanced Taser</b></p>	<p>Reporting requirements for all incidents involving the M26 Advanced Taser</p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The PACE DR general heading use of force section will be completed and the details regarding the use of force will be documented in the narrative section of the DR.</li> <li>• All incidents involving the M26 Advanced Taser will be reported in the Use of Force/Injured Prisoner Report and will include the following: <ul style="list-style-type: none"> <li>* Reason for deployment</li> <li>* Serial number of Taser used</li> <li>* Number of times deployed</li> <li>* Target and impact locations</li> <li>* Distance of the suspect from the officer/s who deployed the Taser</li> <li>* Effectiveness and result of use</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>• See paragraph 6.B of this order.</li> </ul>

6. A. General Reporting Guidelines: (Continued)

<p><b>Intermediate Control Techniques</b></p>	<p>Reporting requirements for <u>all</u> incidents involving intermediate control techniques:</p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The PACE DR general heading use of force section will be completed and the details regarding the use of force will be documented in the narrative section of the DR.</li> <li>• The contacted supervisor will complete the PACE Use of Force/Prisoner Injury Report.</li> </ul>
<p><b>Canines</b></p>	<p><u>Canines</u></p> <ul style="list-style-type: none"> <li>• All Phoenix police canine injury incidents will be investigated and documented by a Canine Unit supervisor using the standard bite report format.</li> <li>• In addition, the Canine Unit supervisor will complete the PACE Use of Force/Prisoner Injury Report.</li> </ul>
<p><b>Stun-Bag Shotguns and Sage SL-6 (SAU)</b></p>	<p><u>Stun-Bag Shotguns and Sage SL-6 (SAU)</u></p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• All Phoenix Police Stun-bag Shotgun and Sage SL-6 (SAU) incidents will be reported in the Use of Force/Injured Prisoner Report and will include the following: <ul style="list-style-type: none"> <li>* Reason for the shooting</li> <li>* Weapon/s used</li> <li>* Number of shots fired</li> <li>* Target and impact locations</li> <li>* Distance of the suspect from the officer/s that fired</li> <li>* Effectiveness and result of use</li> </ul> </li> <li>• See paragraph 6.B of this order.</li> <li>• If suspect sustains a serious injury from shooting incident, see paragraph 7 below for detailed procedures.</li> </ul>
<p><b>Carotid Control Technique</b></p>	<p>Reporting requirements for <u>all</u> incidents involving the carotid control technique:</p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The contacted supervisor will complete the PACE Use of Force/Prisoner Injury Report.</li> <li>• The PACE DR general heading use of force section will be completed and details regarding the use of force will be documented in the narrative section of the DR.</li> </ul>
<p><b>Deadly Force</b></p>	<ul style="list-style-type: none"> <li>• See paragraph 7 below for investigation and documentation procedures.</li> </ul>

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6. B. Use of Force/Prisoner Injury Report - Incidents will be investigated using the Use of Force/Injured Prisoner Report.

- No additional paperwork or memoranda are required unless unusual circumstances exists.
- Digital Image Photographs will be taken of any injuries.
- The bureau/precinct commander will finalize the report after review.
- The finalized report will be forwarded via PACE system to Patrol Operations Bureau for distribution to the appropriate Division Chief.
- After review, the reports will be forwarded to the Use of Force Board Chair for final review.

7. **SHOOTING AND USE OF FORCE INCIDENTS RESULTING IN DEATH OR SERIOUS INJURY**

A. Required Reports - Supervisors should complete the following reports:

- Shooting Investigation (See 7.E of this order)
- Use of Force/Injured Prisoner Report.

B. Investigation Responsibility

<b>Shooting and Use of Force Incidents Resulting in Death or Serious Injury</b>	<p>All shooting and use of force incidents resulting in death or serious injury involving employees of this department will be investigated concurrently by the following:</p> <ul style="list-style-type: none"> <li>• Professional Standards Bureau</li> <li>• Involved employee's supervisor</li> <li>• General Investigation Bureau - Homicide Unit</li> <li>• Incident Review Unit</li> </ul> <p><b>EXCEPTION:</b> Incidents listed in the following sections will be investigated accordingly.</p>
<b>Non-Injury Accidental Discharges, Shootings Involving Animals</b>	<ul style="list-style-type: none"> <li>• The employee's supervisor will investigate non-injury accidental discharges not involving a police action and shootings involving animals.</li> </ul>
<b>Accidental Discharge Involving Police Action</b>	<ul style="list-style-type: none"> <li>• If an accidental discharge occurs while the employee is performing a police function and a citizen or suspect is in close proximity (i.e., attempting to arrest a suspect), PSB will conduct the investigation.</li> </ul>

C. Notifications - The ranking officer at the scene will notify the Professional Standards Bureau Commander, GIB Commander, and Incident Review Unit Lieutenant.

D. Handling of Involved Employee's Firearm

- (1) Employees involved in any incident in which their firearm was discharged will release the firearm to the officer or supervisor responsible for the investigation.
- (2) Employees who release their firearm for scientific analysis will be issued another firearm by PSB investigators prior to going off shift or returning to duty.

7. E. Shooting Investigation

(1) The written report will include the following pre-narrative information:

<b>Investigating Supervisor</b>	Name, serial number, duty assignment, work days and hours
<b>Employee Involved</b>	Name, serial number, duty assignment, work days and hours
<b>Synopsis</b>	
<b>Reason for Shooting</b>	Injured animal, accidental discharge, etc.
<b>Occurred</b>	Location, date, and time
<b>Employee's Prior Use of Force Incidents and Dispositions</b>	
<b>Weapon Used</b>	Make, model, caliber, ownership, and type of ammunition
<b>Number of Shots Fired/ Impact Locations/ Backdrop Description</b>	
<b>Injuries or damage</b>	Description of any animals involved and name, address, etc., of owner of damaged property/injured animals
<b>Witnesses</b>	
<b>Photos/Latent Print Examiner</b>	Name of the employee who took the photographs
<b>DR Numbers of Other Related Investigations</b>	
<b>Details of Investigation</b>	Narrative

- (2) As soon as possible (after the scene investigation has been completed), the PSB Investigations Unit lieutenant will be contacted to obtain a PSB shooting incident number.
- If the incident occurs during non-business hours, the investigating supervisor will contact PSB at the beginning of the next business day and obtain the control number.
  - The control number will be included in the subject portion of the memorandum in addition to any other title information.
- (3) All pertinent documents, including photographs, will be attached to the investigative report.
- (4) Evidence in the form of bulk items (e.g., guns, shell cases, etc.) will not be forwarded.
- (5) Supervisors will make no recommendations other than referring the matter to the Use of Force Review Board.

F. Routing of Administrative Use of Force Investigation

- (1) Incidents Investigated by PSB - The Professional Standards Bureau Division commander will forward a copy of the PSB report to the employee's division commander and Department Use of Force Board chairperson.
- (2) Incidents Investigated by the Employee's Supervisor - The original Use of Force/Injured Prisoner Report and shooting investigation will be forwarded to the division commander of the involved employee's bureau/precinct and Department Use of Force Board chairperson.

8. POST USE OF FORCE TRAUMA

A. Purpose

- (1) The physical and emotional well being of department employees is a primary concern following any use of force incident.
- (2) The following guidelines have been established to ensure that the physical and emotional needs of department personnel are addressed.

B. Definitions

<b>Use of Force Incident</b>	Any situation where a department employee seriously injures or kills a person
<b>Persons Directly Involved</b>	Employees who seriously injure a person or who are seriously injured and those who participate in the incident
<b>Post Use of Force Trauma</b>	The emotional and physical effects that may occur to persons who have been involved physically or emotionally in a use of force incident

C. Assistance at the Scene of Any Use of Force Incident

- (1) Critical Incident Stress Management (CISM) Team - A CISM team coordinator will be contacted to evaluate the incident and call out CISM team members as needed in all use of force incidents.
- (2) Command Personnel - Appropriate command personnel, at the discretion of the Police Chief will initiate personal contact with the involved officer and family to provide department support and assistance as soon as possible.

D. Post Use of Force Counseling

- (1) Employees Directly Involved in a Use of Force Incident - All employees directly involved in a use of force incident will attend at least one session of psychological debriefing with one of the contract psychologists listed below.
- (2) The psychological debriefing will be scheduled as soon as possible after the incident by the employee's immediate supervisor.
  - (a) Counseling is available on a 24-hour per day basis if needed.
  - (b) Five follow-up sessions will be available at no expense to the employees.
  - (c) Employees will not be returned to enforcement duties until the debriefing is completed.
- (3) Verification of the visit, not the contents of the session, from the psychologist office will be included with the post use of force checklist to be forwarded to the appropriate division commander for review.
- (4) Employees Not Directly Involved in a Use of Force Incident
  - (a) All employees who feel that they are or may be negatively affected as a result of their involvement are strongly encouraged to take advantage of the counseling services available through the Police Officer Assistance Program.
  - (b) This may include the employees' spouses or immediate family members.

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9. D. Post Use of Force Counseling: (Continued)

- (5) Doctors Contracted to Provide Post Use of Force Counseling - The following doctors are contracted to provide post use of force counseling services:

John T. Beck, Ph.D. 4455 East Camelback Road Suite E-160 Phoenix, Arizona 85018 Telephone: 480-945-2550 Pager: 602-251-6571	James D. Lange, Ph.D. 2659 West Guadalupe Road Suite C-216 Mesa, Arizona 85202 Telephone: 480-820-7507	Claire A. Kurtz, Ph.D. 4659 South Lakeshore Drive Suite K Tempe, Arizona 85282-7150 Telephone: 480-491-3688 Pager: 480-203-0253
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- (6) Counseling Confidentiality Assurance - Employees who seek consultation or receive counseling through department consulting psychologists are assured maximum confidentiality.
- (a) No individual, group, organization, department, City employee, or official shall have access to any information regarding an individual's participation in the program except as noted.
- (b) The only exception to the guarantee of confidentiality is an indication by the officer to the psychologist of any immediate physical danger to self or others.
- (c) In the event of such an occurrence, the Police Chief shall be notified or action taken to ensure protection of those concerned.

E. Post Use of Force Reassignment

- (1) Reassignment Guidelines

<b>Employees Who Seriously Injure or Kill a Person</b>	<ul style="list-style-type: none"> <li>Any employee who seriously injures or kills a person and who is able to work may be assigned at home for the three days following the incident.</li> <li>The employee will be provided with a pager to ensure availability to investigators.</li> <li>The employee will be assigned to a non-enforcement position pending administrative review.</li> <li>The Police Chief may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's division commander.</li> <li>The employee will attend a psychological debriefing.</li> </ul>
<b>Any Other Employee Directly Involved in a Use of Force Incident</b>	<ul style="list-style-type: none"> <li>Any other employee directly involved in a use of force incident resulting in death or serious injury to any person may be reassigned to a non-enforcement position pending administrative review of the incident.</li> <li>The Police Chief may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's division commander.</li> <li>The employee will attend a psychological debriefing.</li> </ul>

- (2) Any employee involved in a use of force incident that results in assignment at home will submit a leave request (Form 80-80D) using reason code PC, Use of Force/Administrative Leave.

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9. E. Post Use of Force Reassignment: (Continued)

- (3) All employees directly involved in a Class III discharge of a firearm will be referred to the Training Bureau firearms staff for an appointment prior to returning to enforcement duty from administrative leave.
  - (a) The employee's bureau/precinct commander/administrator or designee will be responsible for contacting the Training Bureau firearms staff to schedule the appointment.
  - (b) This appointment will provide employees with the opportunity to fire their duty weapon and discuss any weapons related questions they may have as a result of their shooting incident.
    - There will also be the opportunity to discuss any tactical related questions they may have with a tactics instructor.
- (4) The administrative review process will be considered complete upon the findings of the Use of Force Review Board if the incident is found within policy or upon completion of the disciplinary review process if the incident is found to be out of policy.

**1. PURPOSE/GENERAL INFORMATION**

- A. It is the Phoenix Police Department's intent to administer discipline in a manner that is fair and consistent to all employees.
- (1) The use of the Discipline Matrix must be supported by a completed supervisory investigation/citizen complaint.
  - (2) Only sustained violations will be considered for discipline.
- B. Discipline is intended to correct inappropriate behavior.
- (1) The discipline will be appropriate to the offense and in compliance with the Discipline Matrix (see Addendum A).
- C. In cases of sustained minor infractions of policy (Class A violations only) commanders/administrators may deviate from using the Discipline Matrix as a discipline method.
- (1) When misconduct is attributed to a training need, remedial training/coaching may be afforded in lieu of discipline.
  - (2) Commanders/administrators will ensure proper justification is included within the investigation recommendation section to deviate from the use of the discipline matrix.
    - In cases where remedial training/coaching is recommended, approval must be received by the commander/administrator prior to administering the training/coaching.
  - (3) Following approval by the commander/administrator to issue remedial training/coaching rather than discipline, the affected employee will be notified of the deviation.

**2. DEFINITIONS**

<b>Coaching</b>	<ul style="list-style-type: none"> <li>• Coaching is a type of "non-disciplinary" counseling</li> <li>• An ongoing pro-active process designed to help the employee gain greater competence and confidence.</li> <li>• Coaching assists in overcoming barriers to improve employee performance.</li> <li>• Coaching is used in situations where the employee needs skill development, desires to improve job performance, is not working up to standards, behavior change is needed, and/or desires career advancement.</li> </ul>
<b>Supervisory Counseling</b>	<ul style="list-style-type: none"> <li>• This is a verbal order that the supervisor will document in their notes.</li> <li>• The counseling will be conducted in a face-to-face meeting between the supervisor and the employee.</li> <li>• The supervisor will have the employee initial/date the documentation and ensure that the employee understands the purpose of the counseling and documentation.</li> <li>• Counseling may also be documented in the employee's performance evaluation and in sustained misconduct investigations, if within one year.</li> <li>• When deciding on whether or not to issue a supervisory counseling, supervisors should consider whether training/coaching would be a viable alternate to discipline.</li> </ul>



2. **DEFINITIONS:** (Continued)

<b>Written Reprimand</b>	<ul style="list-style-type: none"> <li>• This is used when a detailed written report of the facts must be included in the employee's department personnel file.</li> <li>• Supervisors will provide an opportunity for the employee to review and sign the Written Reprimand.</li> <li>• The employee will receive a copy of the Written Reprimand.</li> <li>• A Written Reprimand requires the authorization of a bureau/precinct commander/administrator.</li> <li>• Incident information detailed in a Written Reprimand may be documented in the current performance evaluation year.</li> <li>• If within three years of service, incident information in a Written Reprimand will be documented in sustained misconduct investigations.</li> </ul>
<b>Suspension</b>	<ul style="list-style-type: none"> <li>• A suspension may be for up to 240 hours without pay.</li> <li>• Commanders/administrators are authorized to suspend an individual without pay for up to eight hours as an option once the IRP process is completed.</li> </ul> <p>* This only applies to Class B, Step 2 offenses.</p>
<b>Demotion</b>	<ul style="list-style-type: none"> <li>• A demotion is the reduction of an employee from a position in a higher pay class to a position in a lower class for which the maximum rate of pay is lower.</li> </ul>
<b>Dismissals/Terminations</b>	<ul style="list-style-type: none"> <li>• When an employee is dismissed, the employee will receive: <ul style="list-style-type: none"> <li>* A statement citing the reason for dismissal.</li> <li>* A statement of the effective date of the dismissal.</li> <li>* A statement of the status of fringe and retirement benefits after dismissal.</li> <li>* A statement regarding the content of the employee's employment record relating to the dismissal.</li> </ul> </li> </ul>
<b>NOTE:</b> See the current MOU for more information	

3. **OFFENSES THAT MAY RESULT IN DISCIPLINARY ACTION / DISCIPLINE MATRIX COMMITTEE PROCEDURES**

- A. Any violation of policy may result in formal discipline, regardless whether or not the violation is not specifically listed in Addendum A of this order.
- B. In investigations where the violation cannot be placed within the matrix or does not fit under a definition of unprofessional conduct, the investigating supervisor with the approval of his/her chain of command, will forward a memorandum requesting that a new category be created and rated into a classification to the chairman of the Discipline Matrix Committee.
- Discipline Matrix Committee members will rate the new violation and submit a recommendation to the Executive Officer Assistant Chief who will then notify the appropriate chain of command of the classification.
  - The memorandum will be authored in accordance with Operations Order 2.5.3, Written Directives.
- C. The committee, chaired by a commander/administrator, will meet annually in July and as needed during the year to review suggested policy revisions, to classify new categories and/or violations, and to consider any other matrix-related matters.
- The committee will have representatives from all sworn ranks up to and including commander, civilian personnel and supervisors, and representatives from PLEA, PPSLA, and AFSCME.

**4. DISCIPLINE MATRIX PROCESS OVERVIEW**

<b>Process</b>	<ul style="list-style-type: none"> <li>• Sustain allegation/s.</li> <li>• Determine that training/coaching is not appropriate.</li> <li style="padding-left: 20px;">* Deviation from the Discipline Matrix may be recommended for minor violations.</li> <li>• Research the employee's prior discipline.</li> <li style="padding-left: 20px;">* List final class of all priors within time limits.</li> <li style="padding-left: 20px;">* List new violation class from the class table in Addendum A.</li> <li>• Compound (if appropriate).</li> <li>• Determine placement within the matrix.</li> <li>• Complete IRC Form.</li> <li>• Prepare final recommendation.</li> <li>• Submit to commander/administrator for review and recommendation.</li> <li>• Prepare final documentation on appropriate form.</li> </ul>
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**5. DISCIPLINE MATRIX - INVESTIGATING SUPERVISOR'S RESPONSIBILITY**

- A. The matrix is not designed for remedial training, Employee Assistance Program referrals, or other non-disciplinary action.
- When training/coaching is not appropriate, the discipline matrix will be used when a violation of a departmental policy or procedure is sustained.
- B. After completing a citizen complaint or supervisor-initiated investigation that has sustained violation/s of policy, supervisors will refer to the matrix to determine proper recommendations for discipline.
- The highest-class violation among the violations will be designated the primary violation.
  - Other sustained violation/s will be considered aggravating circumstances.
- C. If a single investigation sustains three or more violations of the same class, the discipline recommendation will be elevated to the next step within the matrix layout.

**EXAMPLE:** A single investigation sustains three Class A violations and the employee has no prior history within the matrix, the supervisor recommendation for discipline would be Step 2, Level 1-2, Supervisory Counseling or Written Reprimand.

- D. Discipline Matrix Format - The matrix is divided into four sections.

<b>Misconduct</b>	<ul style="list-style-type: none"> <li>• Identifies policy violations and the recommended discipline.</li> </ul>
<b>Violations and Classification</b>	<ul style="list-style-type: none"> <li>• Supervisors will use this table to locate the policy or procedure that closely matches that which was violated by the employee.</li> <li>• Supervisors will note the preliminary recommendation and proceed to the matrix layout.</li> </ul>
<b>Matrix Layout</b>	<ul style="list-style-type: none"> <li>• This table is used to place the policy violation in its final position.</li> <li>• The employee's discipline history is considered (see compounding).</li> </ul>
<b>Levels of Discipline</b>	<ul style="list-style-type: none"> <li>• The table indicates the recommended discipline.</li> </ul>

5. E. Discipline History/Placement Within the Matrix Layout

- (1) When the investigation process is complete the investigating supervisor will research the employee's discipline history within the following time restrictions calculated from the date the employee actually received the discipline.
- (2) Discipline outside the time restrictions will not be considered, see the table below for time restrictions:

Supervisory Counseling	• One year
Written Reprimand	• Three years
Suspension (Up to and including 180 Hours)	• Five years
Suspension (Over 180 Hours)	• Ten years
Demotion	• Ten years
Commendations	• Equal to the oldest discipline - minimum five years

- (3) Prior to Discipline Matrix - Each violation of policy that resulted in a suspension, demotion, and/or termination (retained employment after Civil Service appeals) **prior** to the implementation of the Discipline Matrix policy will be considered.
  - (a) The date of violation is calculated from the date the employee was issued the discipline.
  - (b) Discipline to be considered must have occurred within the noted time restrictions.
- (4) Incidents prior to the Discipline Matrix will be placed as follows:
  - 8- 60-hour suspension - Class B
  - 60- to 180-hour suspension - Class C
  - 180-plus hour suspension, or Demotion/Termination - Class D

<b>EXAMPLE</b>	<ul style="list-style-type: none"> <li>• Upon review, the investigating supervisor notes that within the last five years, Officer Doe received an 80-hour suspension.</li> <li>• Based upon a new investigation after the Discipline Matrix policy went into effect, a Class B violation against Officer Doe is sustained.</li> <li>• The previous suspension would be placed into Class A/B/C, Step 1.</li> <li>• Discipline for the new violation would be based on Class B, Step 2, 8- to 60-Hour suspension.</li> </ul>
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- Violations of policy that resulted in a supervisory counseling and/or written reprimand prior to the implementation of the Disciplinary Matrix policy will not be considered.
  - Prior supervisory counselings and/or written reprimands may be considered as part of aggravating and mitigating circumstances if the previous discipline fell within the established time limits.
- (5) The investigator will use the highest class of the current sustained violation/s as the primary violation within the matrix.
    - Additional sustained violation/s will be listed by class.
    - Discipline, within the stated time limits, will be noted in the investigation.

5. F. Compounding Process

- (1) Compounding is the process to elevate a policy violation classification from a lower class to the next higher class or a higher step within the same class.
- (2) To maintain the integrity of progressive discipline, the matrix layout includes three discipline recommendation steps for each class of violation.
- (3) Based upon independent investigations, when a fourth similar class policy violation is sustained, the classification will be elevated to the next classification.

<b>EXAMPLE ONE</b>	<ul style="list-style-type: none"> <li>• Based upon a fourth investigation, a Class A violation against Officer Doe is sustained.</li> <li>• Officer Doe has been the subject of three prior investigations where a Class A violation has been sustained and discipline has been based upon the matrix layout.</li> <li>• The current Class A violation is compounded and elevated to a Class B violation.</li> <li>• Discipline will be based upon Class B, Step 1, written reprimand.</li> </ul>
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- (4) Higher-class violations may only be considered to compound lower class violations.

<b>EXAMPLE TWO</b>	<ul style="list-style-type: none"> <li>• Officer Doe has been the subject of three independent misconduct investigations.</li> <li>• The first investigation sustained a Class A violation and discipline was based on Class A, Step 1, supervisory counseling.</li> <li>• The second investigation sustained a Class B violation and discipline was based on Class B, Step 1, written reprimand.</li> <li>• The third investigation sustained a Class A violation and discipline was based on Class A, Step 3, written reprimand, the prior Class B violations fill Class A, Step 2.</li> <li>• If Officer Doe becomes the subject of a subsequent investigation where a Class A violation is sustained, the Class A violation would be elevated to Class B, Step 2, written reprimand.</li> <li>• If Officer Doe becomes the subject of a subsequent investigation where a Class B violation is sustained the discipline is based on Class B, Step 3, 40- to 120-hour suspension.</li> <li>• If Officer Doe becomes the subject of a subsequent investigation where a Class C violation is sustained and there is no previous sustained Class C violations on file the discipline would be Class C, Step 1, 40- to 120-hour suspension.</li> </ul>
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G. Mitigating and Aggravating Factors

- (1) During its review process, the Disciplinary Review Board will consider mitigating and aggravating factors.
- (2) The investigating supervisor will include within the misconduct investigation packet a memorandum detailing mitigating and aggravating factors for Disciplinary Review Board consideration.

5. G. (3) Mitigating and aggravating factors are not limited to but should include:

<b>Commendations</b>	<ul style="list-style-type: none"> <li>Documented incidents of outstanding performance and service to the department/community.</li> <li>Will include the previous five years commendation history.</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>Any training specific to the behavior in question should be considered (timely, current?).</li> <li>May be as simple as a review of policy or as formalized as structured classroom or other job-related training (firearms, driving, etc.).</li> <li>All training must be noted in supervisory notes and/or department training records.</li> </ul>
<b>PMGs</b>	<ul style="list-style-type: none"> <li>Includes both scheduled and unscheduled performance evaluations</li> </ul>
<b>Prior Discipline</b>	<ul style="list-style-type: none"> <li>Includes prior sustained allegations and associated levels of discipline (within time limits) and any other notations regarding the specific behavior in question as outlined in supervisory notes (recent training and/or warnings specific to the behavior).</li> </ul>
<b>Seniority</b>	<ul style="list-style-type: none"> <li>Seniority will be weighed against the behavior in question based upon the factors surrounding the incident, such as experience, training, culpability, and circumstances of the event.</li> </ul>
<b>Circumstances (Of the Incident)</b>	<ul style="list-style-type: none"> <li>Was the employee involved in legitimate City business (i.e., responding to a call, making an arrest, etc.).</li> <li>Was the employee acting in the best interest of the department/community and/or with due regard for safety?</li> </ul>
<b>Culpability</b>	<ul style="list-style-type: none"> <li>An evaluation of the behavior should consider whether the employee acted intentionally or with knowledge that the behavior amounted to a violation of policy.</li> <li>Did the employee recklessly disregard factors that a reasonable person would have considered or did the employee act negligently?</li> </ul>
<b>Employee Attitude</b>	<ul style="list-style-type: none"> <li>What is the employee's attitude toward the behavior?</li> <li>Discipline can only be effective if employees accept responsibility for their actions and continually strive to conduct themselves within the guidelines of department policy.</li> </ul>

H. Final Recommendations - When it is determined that discipline is appropriate the following procedures will be used:

- (1) After the discipline history and compounding process are completed, the resulting highest class of the current sustained violation/s will be placed at the final level of discipline.
- (2) The recommended level of discipline will be stated at the conclusion of the investigation.
- (3) The investigation draft will include the Discipline Matrix Final Classification Worksheet Form.
- (4) If extreme mitigating or aggravating factors exist relative to the policy violation and/or the employee has a history of serious policy violations commanders/administrators may deviate from the standard recommended level of disciplinary action in the Discipline Matrix upon approval of the Executive Officer Assistant Chief.
  - A memorandum will be written and forwarded through the chain of command for the Executive Officer, Assistant Chief's consideration in order to deviate from the Matrix.
  - The affected employee will be provided a copy of the memorandum.
  - The Executive Officer Assistant Chief may request that the commander/ administrator and/or the employee (with association representation if desired by the employee) attend a meeting to discuss the deviation request.

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5. H. (5) Each sustained violation related to the current incident, along with the final level of discipline, will be listed individually on the supervisory counseling, written reprimand or separation notice for that incident.
- (6) When multiple sustained violation/s from various classes are listed on a single written reprimand or separation notice, the time restriction for the most serious level of discipline will apply to all violations listed on the document.
- (7) The final class of the primary violation will be considered in future discipline.

I. Consideration by the Disciplinary Review Board

(1) Investigations with sustained violations that meet the criteria for a suspension (excluding 8-hour suspensions authorized by the bureau/precinct commander/administrator), demotion, or termination will be forwarded through the employee's division chain of command to the Disciplinary Review Board.

(2) Based upon the employee's chain of command's recommended level of discipline shown within the matrix, (i.e., classification, step-identified, level of discipline, etc.), the Disciplinary Review Board will only consider a suspension within the listed range of hours.

**EXAMPLE:** Officer Doe's chain of command's final recommendation for discipline is based at Level 5, the Disciplinary Review Board may only consider a suspension between 80- to 180-hours.

(3) Even though the Disciplinary Review Board may recommend additional training, coaching, community service, etc., the number of suspension hours may not be reduced below the range.

(4) During the Disciplinary Review Board executive session, board members will weigh mitigating and aggravating factors to determine the final suspension hour total.

(5) The board will place the sustained violation in the middle of the recommended level of discipline prior to considering mitigating and aggravating factors; the middle of each level will be:

- Level 1 - No mid-range
- Level 2 - No mid-range
- Level 3 - 34 Hours
- Level 4 - 80 Hours
- Level 5 - 130 hours
- Level 6 - 190 Hours

(6) If mitigating factors outweigh aggravating factors, the board may recommend a suspension under the midrange.

(7) If aggravating factors outweigh mitigating factors, the board may recommend a suspension over the mid-range.

(8) The employee's commander/administrator may address the Disciplinary Review Board and make a recommendation to the board on the number of hours the employee should be suspended.

(9) The recommendation from the Disciplinary Review Board to the Police Chief must be within the level action requirements.

(10) The Police Chief is the final authority on discipline.

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**6. TYPES OF REVIEW BOARDS**

<b>Driving Analysis Committee (DAC)</b>	<ul style="list-style-type: none"> <li>Objectively reviews police equipment accidents, pursuits, and other employee driving incidents to determine if the action was in or out of policy and to recommend corrective action</li> </ul>
<b>Discipline Matrix Committee (DMC)</b>	<ul style="list-style-type: none"> <li>Regularly reviews categories of discipline</li> <li>Determines placement of newly created categories of discipline</li> <li>Reviews input from commanders/administrators, employee associations, and matrix board members.</li> </ul>
<b>Disciplinary Review Board (DRB)</b>	<ul style="list-style-type: none"> <li>Reviews all disciplinary reports that have been reviewed by a division commander that may lead to a suspension, demotion, or dismissal excluding 8-hour suspensions authorized by a commander/ administrator.</li> <li>Reviews all use-of-force incidents found to be out of policy by the Use-of-Force Board</li> <li>Makes recommendations to the Police Chief regarding the degree and severity of disciplinary action to be taken</li> <li>Will not review matters involving employees responsible for a Performance Achievement Plan</li> </ul>
<b>Executive Review Board (ERB)</b>	<ul style="list-style-type: none"> <li>Assists the Police Chief in providing consistent and timely information to the department's disciplinary process for those employees responsible for the Performance Achievement Plan</li> <li>Reviews disciplinary actions referred by the executive staff involving cases that may lead to demotion, suspension, or dismissal</li> <li>Reviews use-of-force incidents involving employees responsible for a Performance Achievement Plan.</li> </ul>
<b>Reserve Disciplinary Review Board (RDRB)</b>	<ul style="list-style-type: none"> <li>Reviews all disciplinary reports involving reserve officers in which a reduction in working status, demotion, or dismissal has been recommended by a bureau/precinct commander for acts of misconduct</li> </ul>
<b>Use-of-Force Review Board (UFB)</b>	<ul style="list-style-type: none"> <li>Conducts timely inquiries into police shootings and use-of-force incidents</li> <li>Examines all related support documentation surrounding police shootings and use-of-force incidents to determine if the incident was consistent with established department policy</li> <li>Examines all related policies and procedures governing the administrative handling of police shootings and use-of-force incidents</li> <li>Responsible for making recommendations for change necessary for maintaining department policy accountability, control and integrity, or training methods</li> </ul>

**7. SELECTION OF BOARD MEMBERS**

**A. Review Boards**

<b>TYPE OF BOARD</b>	<b>SWORN EMPLOYEES</b>	<b>CIVILIAN EMPLOYEES</b>
<b>Driving Analysis Committee (DAC)</b>	<ul style="list-style-type: none"> <li>Patrol Operations Bureau</li> <li>* Commander - Chair</li> <li>One rotating precinct/bureau commander</li> <li>Two precinct commanders - designated by the chairperson</li> <li>Driver training supervisor</li> <li>Traffic Bureau commander or designee with the rank of lieutenant</li> <li>Vehicular Crimes Unit (VCU) supervisor</li> </ul>	<ul style="list-style-type: none"> <li>Same as for sworn employees</li> </ul>

7. SELECTION OF BOARD MEMBERS continued:

<b>Discipline Matrix Committee (DMC)</b>	<ul style="list-style-type: none"> <li>• One commander - chair</li> <li>• One rotating bureau administrator</li> <li>• One lieutenant</li> <li>• One sergeant</li> <li>• Two officers</li> <li>• Two civilian employees</li> <li>• Representative from each employee association, (PLEA, PPSLA, and AFSCME)</li> </ul>	<ul style="list-style-type: none"> <li>• Same as for sworn employees</li> </ul>
<b>Disciplinary Review Board (DRB)</b>	<ul style="list-style-type: none"> <li>• One assistant chief - chair</li> <li>• Two commanders</li> <li>• Two employee peers</li> <li>• Two citizens of Phoenix</li> </ul>	<ul style="list-style-type: none"> <li>• One assistant chief - chair**</li> <li>• One civilian administrator</li> <li>• One commander</li> <li>• Two employee peers</li> <li>• Two citizens of Phoenix</li> </ul>
<b>Executive Review Board</b>	<ul style="list-style-type: none"> <li>• Three assistant chiefs*</li> <li>• Two employee peers</li> <li>• Two citizens of Phoenix</li> </ul>	<ul style="list-style-type: none"> <li>• Two assistant chiefs*</li> <li>• Director</li> <li>• Two employee peers</li> <li>• Two citizens of Phoenix</li> </ul>
<b>Reserve Disciplinary Review Board</b>	<ul style="list-style-type: none"> <li>• Patrol Operations assistant chief**</li> <li>• Reserve commander</li> <li>• One peer</li> </ul>	
<b>Use-of-Force Review Board</b>	<ul style="list-style-type: none"> <li>• Executive officer assistant chief**</li> <li>• One commander</li> <li>• One employee peer</li> <li>• Three citizens of Phoenix</li> </ul>	
<b>NOTE:</b> *The executive officer assistant chief will act as the chair of the board **Permanent members		

B. Guidelines for Selection of Board Members

(1) General Guidelines

- Members of each board will be selected on a rotating basis, except for the permanent members.
- Individuals in the affected employee's chain of command will not be selected to participate in the review board.
- The employee peer/s selected to serve on the board cannot be currently assigned to the affected employee's bureau/precinct.
- The Police Chief may participate in the inquiry and examination of any person appearing before the Use-of-Force Review Board.

(2) Specific Guidelines for the Use-of-Force Board

- Alternates - The other assistant chiefs are alternate members of the Use-of-Force Review Board and will be invited to participate on boards when the executive officer assistant chief is not available or a conflict of interest exists.



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7. B. (2) (b) Advisory Members

<u>Training Bureau Firearms Training supervisor</u>	<ul style="list-style-type: none"> <li>Serves in an advisory capacity to the board when the incident involves the discharge of a firearm</li> </ul>
<u>Training Bureau Non-lethal Force supervisor</u>	<ul style="list-style-type: none"> <li>Serves in an advisory capacity to the board in selected use-of-force incidents</li> </ul>
<u>Legal Unit Attorney</u>	<ul style="list-style-type: none"> <li>Shall serve with the board to provide legal assistance and advise</li> <li>May participate in the inquiry, however, is not a member of the board</li> </ul>

(c) Specialized Assistance - The assistant chief who chairs the board may request the presence of additional department personnel if specialized or technical expertise is required.

8. ADMINISTRATION OF REVIEW BOARDS

A. Notification of Involved Employee/s - The employee/s involved in an incident to be brought before a review board will be notified of the board at least 10 calendar days prior to the meeting.

(1) Disciplinary Review Boards (Including Reserve Board) - The notification will contain:

- Date and time of the board
- Violation/s
- Basis of each violation that has been sustained
- Name of board members

(2) Executive Review Board - Notification will be the responsibility of the board chairperson, and will contain:

- Date and time of the board
- Violation/s
- Findings concerning allegations in the investigation

(3) Use-of-Force Review Board - The notification will contain:

- Date and time of the board
- Type of incident (i.e., shooting, animal dispatch, accidental discharge)
- Name of board members

B. Board Recommendations

(1) All Boards - After reviewing an incident, the boards will make a recommendation and submit it to the Police Chief.

(a) Such recommendations are advisory only.

(b) Recommendations of the board will be included in the permanent record of the disciplinary report.

(2) Disagreement Concerning Recommendations from the DRB - Should a disagreement exist between the board and the division commander, the division commander may proceed with the board's recommendation or refer the matter directly to the Police Chief for further consideration.

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9. SPECIFIC GUIDELINES FOR REVIEW BOARDS

A. Disciplinary Review Board

(1) Incidents for Review

- (a) All use-of-force incidents found to be out of policy by the Use-of-Force Board.
- (b) All other disciplinary reports involving:
  - Criminal acts (for which the employee has been found guilty or has entered into a plea agreement)
  - Violations of law
  - Violations of the rules and regulations of the department in which a suspension, demotion or dismissal has been approved by a division commander

(2) Incidents That May Bypass the Disciplinary Review Board - Cases involving serious violations of the law or rules and regulations of the department to the extent that the employee could be immediately dismissed from employment may bypass the board and be referred to the Police Chief or designee for action through the chain of command.

(3) Employees Appearing Before the Board

- (a) Employees and their unit representative shall have the right to appear before the department Disciplinary Review Board when disciplinary matters involving the employee are brought before the board.
- (b) The purpose of such an appearance is to give employees an opportunity to respond to any sustained assertions made against them.
- (c) Employees may submit relevant written material in support of their position.
- (d) Any appearance before the board during employees' regular work shift shall be counted as time worked.
- (e) Employees are not eligible for overtime pay when appearing before the board during other than regular work shift hours.

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9. A. (4) Meeting With Supervisors Prior to the Board

(a) Employees may meet with their immediate supervisor and second-level supervisor or the bureau/precinct commander/administrator to discuss the matter being reviewed by the board.

- Employees may be accompanied by a unit representative.

(b) If the immediate supervisor conducted the investigation, employees may meet with the next supervisor in their chain of command

- Such a request shall be made in writing to the immediate supervisor.
- A unit representative may accompany the employee to the meeting.

(5) Unit Representative

(a) Employees and their unit representative may be present in the board hearing room to passively observe all presentations made to the board and to be present for all responses made to questions by board members.

(b) If the employee desires, unit representatives are permitted to present information on the employee's behalf.

(c) All non-board members will be excluded from the boardroom during deliberations.

B. Executive Review Board

(1) Incidents for Review - The Executive Review Board will review the following types of incidents:

(a) All use-of-force incidents concerning employees responsible for a Performance Achievement Plan

(b) All disciplinary matters involving employees responsible for a Performance Achievement Plan referred by the executive staff that may lead to demotion, suspension, or dismissal

(2) Incidents That May Bypass the Executive Review Board

(a) When such an employee is involved in a serious violation of the law or rules and regulations of the department to the extent that the violator could be immediately dismissed from employment, the affected division commander may immediately and directly refer the matter to the Police Chief for action.

(b) Such a referral will bypass the Executive Review Board.

(3) Employees Appearing Before the Board

(a) Disciplinary Matters

- The involved employee will appear before the Executive Review Board when disciplinary matters brought before the board may lead to demotion, suspension, or dismissal.
- The purpose of such appearance is to give the involved employee the opportunity to respond to any of the assertions made in the disciplinary investigation.

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9. B. (3) (b) Use-of-Force Incidents

- The involved employee will appear before the Executive Review Board when a use-of-force incident is reviewed.
- The purpose of such an appearance is to give the involved employee the opportunity to relate the circumstances and decision process in the use-of-force incident.

C. Reserve Disciplinary Review Board

(1) Incidents That May Bypass the Reserve Disciplinary Review Board

- (a) When a reserve officer is involved in a serious violation of the law or the rules and regulations of the department to the extent that the violator could be immediately dismissed from employment, a supervisor may immediately and directly refer the matter to the Police Chief or designee for action, utilizing the chain of command.
- (b) Such a referral will bypass the Reserve Disciplinary Review Board.

(2) Employees Appearing Before the Board

- (a) The involved reserve officer has the right to appear before the department Reserve Disciplinary Review Board when the disciplinary matters brought before the board may lead to demotion, a reduction in working status, or dismissal.

- The purpose of such appearance is to give the reserve officer an opportunity to respond to any sustained assertions made against the reserve officer.
- The reserve officer may submit relevant written matter in support of the reserve officer's position.
- Any appearance before the board during the reserve officer's regular work shift shall be counted as time worked.
- Reserve officers are not eligible for overtime pay when appearing before the board during other than regular work shift hours.
- Nothing in this policy shall grant a reserve officer access to the City of Phoenix Civil Service Board.

(b) Meeting with Supervisors Prior to the Board

- The reserve officer may meet with the immediate sworn supervisor, along with the second-level supervisor or the reserve officer's bureau/precinct commander, to discuss the matter being reviewed by the board.
  - The sworn supervisor conducting the investigation may also allow the assigned reserve supervisor to attend.
  - If the immediate supervisor conducted the investigation, reserve officers may meet with the next supervisor in their chain of command.
- \* Such a request shall be made in writing to the reserve officer's immediate sworn supervisor.
  - \* Reserve officers do not have access to Phoenix Law Enforcement Association (PLEA) representation.

9. D. Use of Force Review Board

(1) Incidents for Review

- (a) The Police Chief may direct the review by the Use-of-Force Review Board of any use-of-force incident involving an employee or agent of the department regardless of the specific circumstances.
- (b) The Use-of-Force Review Board Chair will review all Class I, II and IV incidents before the board convenes to determine the necessity for a Board review of the incident.
- If the chair determines a review is necessary, the review procedure will be used.
  - If the chair determines a Use-of-Force Review Board is not necessary, a memo with recommendations will be forwarded to the chief for approval.
  - The employee's chain of command will be notified of the results and appropriate action will be taken.
- (c) Incidents for Review: The board is specifically empowered to conduct reviews of the following employee-involved use-of-force incidents:

<b>Class I</b>	<b>Any</b> unintentional discharge of a weapon without injury, which includes but is not limited to, firearms training, practice, or general handling of the weapon.
<b>Class II</b>	Any intentional shooting or attempted shooting of an object or animal, whether or not such object or animal is actually struck.
<b>Class III</b>	Any intentional or unintentional incident in which any of the following conditions occurred: <ul style="list-style-type: none"> <li>• Any person is injured or killed by a Phoenix Police Employee's firearm discharge.</li> <li>• Any time an attempt is made to injure a person by discharging a firearm.</li> <li>• Any serious injury inflicted upon a person by a PPD employee by means other than a firearm (excludes vehicular accidents).</li> </ul>
<b>Class IV</b>	<b>Any</b> intentional or unintentional discharge of a stunbag shotgun, regardless if it strikes a person or object or not.

(2) Employees Appearing Before the Board

- (a) Department employees shall be subject to call before the Use-of-Force Review Board.
- (b) The employee/s involved in the use-of-force incident **will be** required to appear before the board.
- The purpose of such an appearance will be to give the involved employee/s the opportunity to relate the circumstances and decision process in the use-of-force incident.
  - The employee's immediate supervisor **will** accompany the employee to the review board.
- (c) Unit Representation - Employees are allowed to be accompanied to the Use-of-Force Review Board by a unit representative, however, the representative will be a passive observer during the review.

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9. D. (3) Use-of-Force Review Board Documentation - All documentation, including Use of Force Review Board recommendations, will be forwarded to the Police Chief for review.
- (4) Out-of-Policy Use-of-Force Incidents
- (a) All use-of force incidents found to be out of policy by the Use-of-Force Review Board will be referred directly to the Disciplinary Review Board.
- (b) A memorandum will be sent to the affected employee's bureau/precinct commander/administrator to request:
- The employee's five year discipline and commendation record
  - The employee's Employee Performance Appraisal Reports
- (c) These items will be sent to the DRB/UFB coordinator in the Police Chief's office within five working days for inclusion in the DRB package.

10. DRIVING ANALYSIS COMMITTEE (DAC)

A. Committee Meetings

- (1) The time and location of the meetings will be announced by the chairperson.
- (2) The presence of any five members constitutes a quorum for doing business.
- (3) The chairperson may designate one of the other commanders from the committee to serve as chairperson in his/her absence.
- (4) The DAC will review department-involved traffic accidents, pursuits, and other allegations of improper employee driving.

B. DAC Pursuit Review Process

- (1) The DAC will review and deliberate over each pursuit packet to determine:
  - Whether or not the pursuit was within departmental policy
  - Evaluate the need for policy changes
  - Consider training needs
- (2) The DAC will refer its findings to the employee's bureau/precinct commander/administrator for appropriate action.
- (3) The DAC will forward a copy of its findings to the employee's division commander through the Patrol Administration Bureau.

C. DAC Accident or Driving Incident Review Process

- (1) Upon receipt of the accident or driving incident packet by the DAC chairperson or designee, it will be logged in and then forwarded to the Vehicular Crimes Unit (VCU) supervisor for classification:
  - For Review
  - Not for Committee Review

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10. C. (2) After review by the VCU supervisor, the reports, except those involving serious injury or death and possible felony prosecution of the employee will be returned to the DAC chairperson or designee and the classification will be added to the log.
- (a) The chairperson will send those reports classified as "Not for Committee Review" to the employees bureau/precinct commander/administrator.
  - (b) Reports classified as "For Review" that do not involve possible felony prosecution of the police employee will be reviewed by the DAC.
    - The committee will deliberate as to the extent of the employee's responsibility
    - The committee will report its recommendations to the employee's division commander.
  - (c) Reports involving possible felony prosecution of the police employee will be forwarded by the VCU supervisor to the Police Chief via the DAC Chairperson.
    - The Police Chief will determine whether or not to forward the report to the County Attorney's Office.
    - After the report has been reviewed by the Police Chief and/or the County Attorney, it will be returned to the DAC for review.
- (3) The committee's recommendation for corrective action may consist of one or more of the following:
- Training needs
  - Disciplinary action
  - In the case of traffic accidents, the issuance of an Arizona Traffic Ticket and Complaint/s (ATTC) is an additional option.
  - Decide that no corrective action is necessary
- (4) Factors for Consideration by the DAC
- (a) Employee was involved in police business that required prompt action, for example:
    - A pursuit
    - Response to a call that justifies a rapid response
    - An on-view situation requiring immediate attention
  - (b) Employee was distracted by activities occurring in his/her presence through the normal course of duties,
    - These distractions **do not** include use of the Mobile Data Terminal (MDT)
  - (c) Both of these circumstances require that no serious or flagrant violation of law or departmental policy occurred.
- (5) The DAC Recommendation to Issue a Citation
- (a) Employees involved in accidents who have committed a violation that caused the accident (absent mitigating circumstances) should normally be cited for the violation.

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10. C. (5) (b) After review and endorsement of the recommendation to issue the citation by the employee's division commander, the employee's bureau/precinct commander/administrator will direct a supervisor within the bureau/precinct to issue an ATTC to the employee.
- (c) If this is not possible, the commander/administrator may request the citation be issued by the VCU.
- (d) The committee may determine that mitigating circumstances do exist and that the issuance of an ATTC is not appropriate.
- (6) The DAC may recommend discipline and/or training which may be in conjunction with the issuance of ATTCs.
- (a) In at-fault police equipment accidents, the minimum level of disciplinary action will normally be a written reprimand.
- Mitigating circumstances may exist which dictate a lesser form of discipline
  - The involved division commander shall approve action taken contrary to the recommendation of the DAC.
- (b) Recommendations for discipline in excess of a written reprimand will be forwarded by memorandum to the affected employee's division commander or designee.
- (c) After review, the division commander will forward the recommendation, along with comments, to the employee's bureau/precinct commander/administrator.
- (d) A copy of the final disposition and any discipline taken in all police vehicle accidents and other investigated driving incidents will be forwarded to the DAC, which will file and maintain the records in the Patrol Operations Bureau.
- (e) Recommendations for training, when approved by the affected employee's division commander or designee, will be forwarded to the driver-training supervisor.
- The driver-training supervisor will coordinate training with the affected employees bureau/precinct commander/administrator
  - The driver training supervisor will ensure that a permanent record of all remedial/refresher driver training received by an employee is maintained.
- (7) If the DAC sends a case to the Disciplinary Review Board for review, the employee, upon request, will receive a copy of the facts supporting the DAC's position.
- (8) As an alternative to discipline in at-fault or avoidable/preventable City-equipment accidents, the division commander may allow the employee the option of reimbursing the City for a loss caused by the employee's negligence.
- (a) This option only applies to losses of up to \$1,000.
- (b) If the loss incurred by the City is more than \$1,000, the claim will be processed through normal channels.
- (c) If the employee opts to reimburse the City, documentation of the incident will not be placed in the employee's department file; a notation will be made in the supervisory notes regarding that employee.



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10. C. (9) Accident Review Administrative Documentation:

- (a) The DAC chairperson or designee is responsible for:
- Forwarding a copy of the Accident Log, on a monthly basis, to the Research and Analysis Detail in the Planning and Research Bureau
  - Collecting data from accident reports that were reviewed by the committee
- (b) The DAC chairperson or designee will collect and store the following data:
- Employee's name and serial number
  - Employee's assignment
  - Date of accident
  - Time of accident
  - Incident number
  - Cause of accident
  - Was the accident preventable
  - Whether or not officer was at fault

(10) Driving Incident Review Administrative Documentation:

- (a) The Incident Review Unit is responsible for:
- Analyzing data from driving incidents that were reviewed by the committee
  - Preparing reports on the trend of driving incidents
  - Recommending changes to employee driving training

D. File Retention - The following filing procedures will be used by bureau/precinct personnel upon receiving notification from the DAC:

<b>Not at Fault Accident</b>	<ul style="list-style-type: none"> <li>• File findings memorandum in the employee's division file</li> </ul>
<b>At Fault Accidents</b>	<ul style="list-style-type: none"> <li>• File only the board's memorandum of findings, a copy of the notice of reprimand or written reprimand, documentation of supervisory counseling in employee's division file</li> <li>• Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file.</li> <li>• Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> <li>* Original investigation</li> <li>* The DAC memorandum of findings</li> <li>* Memorandum reference action taken regarding police equipment accident or pursuit</li> </ul> </li> </ul>
<b>Pursuit Incidents In Policy</b>	<ul style="list-style-type: none"> <li>• File findings memorandum in the employee's division file</li> </ul>

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10. D. File Retention: (Continued)

<b>Pursuit Incidents Out of Policy</b>	<ul style="list-style-type: none"> <li>• Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file.</li> <li>• Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> <li>* Original investigation</li> <li>* The DAC memorandum of findings</li> <li>* Memorandum reference action taken regarding police equipment accident or pursuit</li> </ul> </li> </ul>
<b>Driving Incidents In Policy</b>	<ul style="list-style-type: none"> <li>• File findings memorandum in the employee's division file</li> </ul>
<b>Driving Incidents Out of Policy</b>	<ul style="list-style-type: none"> <li>• File only the board's memorandum of findings, a copy of the suspension notice, or written reprimand, documentation of supervisory counseling in employee's division file</li> <li>• Document any remedial training given in the employee's supervisory notes.</li> <li>• Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file.</li> <li>• Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> <li>* Original investigation</li> <li>* The DAC memorandum of findings</li> <li>* Memorandum reference action taken regarding driving incident</li> </ul> </li> </ul>

11. **CIVIL SERVICE BOARDS**

- A. When the Civil Service Board orders that a suspension, demotion, or dismissal must be **overturned**, the original discipline notice and **all** copies will be removed from **all** files by the Fiscal Management Bureau and sent to the City's Personnel Director.
- (1) The Personnel Director will retain all overturned documentation in a separate file.
  - (2) The overturned discipline will not be used in any future disciplinary actions or any performance evaluations.
- B. When the Civil Service Board orders that a suspension, demotion, or dismissal must be **modified**, the original discipline notice and **all** copies will be removed from **all** files by the Fiscal Management Bureau and sent to the City's Personnel Director.
- (1) An amended discipline notice will be returned by the Personnel Director for retention in the employee's file/s.
  - (2) Only the modified discipline can be used in any future disciplinary actions or any performance evaluations.

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12. DISCIPLINE MATRIX COMMITTEE (DMC)

A. Committee Meetings

- (1) Will meet annually in July and as needed during the year, the location of the meetings will be announced by the chairperson.
- (2) The presence of any five members constitutes a quorum for doing business.
- (3) The chairperson may designate one of the other commanders from the committee to serve as chairperson in his/her absence.

**TAMPA POLICE DEPARTMENT USE OF FORCE FORM**



Name: _____		DOB: _____		Race: _____ Sex: _____	
Location of Occurrence: _____			Reporting Officer: _____		
Payroll# _____	Date of Occurrence: _____	Time of Occurrence: _____	Grid: _____		
Name of Supervisor Notified: _____			Responded: (Y or N) _____		
Photos Taken: (Y or N) _____		Location of Photos _____		Taken by: _____	

**CHARGES:** \_\_\_\_\_

**[1] Nature of Contact:**

(Circle 1)

- A. Arrest
- B. Street Check/ Field Interview
- C. Attempt to Control
- E. Baker Act
- F. Traffic Arrest
- G. Transporting Officer
- D. Other: \_\_\_\_\_

**[2] Reason:**

(Circle 1)

- A. Necessary to Defend Another
- B. Necessary to Defend Reporting Officer
- C. Necessary to Effect Arrest
- D. To Prevent a Violent Felony
- E. To Restrain for Subjects Safety
- F. Other: \_\_\_\_\_

**[3] Number of Officers/ Subjects:**

- A. Officers \_\_\_\_\_
- B. Subjects \_\_\_\_\_

**[4] Subject's Conduct:**

(Circle 1-3)

- A. Attacked Another
- B. Attacked Officer
- C. Compliance
- D. Refused to Comply with Verbal -- Commands
- E. Other: \_\_\_\_\_

**[5] Subject's Resistance:**

(Circle 1-3)

- A. Presence to Attendance of Suspicious Activity
- B. Verbal Resistance
- C. Passive Resistance(Does Not Physically Cooperate)
- D. Active Resistance(Physically Attempts to Defeat Control)
- E. Aggressive Resistance(Physically Attempts to Injure Officer)
- F. Aggravated Resistance(Attempts to Cause Great Bodily Danger)
- G. Other: \_\_\_\_\_

**[6] Force Used by Officer:**

(Circle what Applies)

- A. Handcuffs
- B. Leg Restraints
  - 1. Threat of Chemical Agent
  - 2. Threat of Impact Weapon
- C. Pressure Points
- D. Transporter (Escort, Bent Wrist)
- E. Countermeasures (Punches, Kicks, Knees, Elbows)
- F. Total Appendage Restraints Position (TARP)
- G. Use of Chemical Agent
- H. Use of Impact Weapon
- I. Firearms Pointed at Suspects
- J. Firearms Fired at Suspect
- K. Bitten by Police Canine

**[7] Weapons Used by Officer:**

(Circle what Applies)

- A. ASP
- B. C/S
- C. Elbow
- D. Fist
- E. Flashlight
- F. Flexible Baton
- G. Hands
- H. Kick
- I. Knee
- J. O/C
- K. Pistol
- L. Radio
- M. Rifle
- N. Shotgun
- O. Other \_\_\_\_\_

Report/Event # \_\_\_\_\_

**[8] Number of Shots Fired:**

- A. Suspect: \_\_\_\_\_
- B. Officer: \_\_\_\_\_

**EFFECTS of FORCE USED ON SUBJECTS:**

**[9] Effects on Subject:**

(Circle what Applies)

- A. No visible Injury
- B. No Complaint of Injury
- C. Complaint of Injury
- D. No Medical Attention Required
- E. Medical attention Required
- F. Minor Visible Injury (Redness, Swelling, Abrasion)
- G. Injury requiring Outpatient Treatment (Stitches, Broken Bone, x-rays)
- H. Injury Requiring Hospital Admission
- I. Fatality

**[10] Unconscious: (Y or N) \_\_\_\_\_**

**[11] Treatment:**

(Circle 1)

- A. No treatment Necessary
- B. Refused Treatment
- C. Treated at Scene
- D. Chemical Agent Decontamination
- E. Treated & Released
- F. Admitted to Hospital

**[12] Transported to:**

(Circle 1)

- A. Detox
- B. Hospital
- C. Jail
- D. Juvenile Assessment Center (JAC)
- E. Released to Parent/ Guardian
- F. Other Agency
- G. Crisis Center
- H. Other: \_\_\_\_\_

**REMARKS:**

Injury Description of Suspect: \_\_\_\_\_

Injury Description of Officer: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

