

## **2-56 Use of Force—Reporting by Department Personnel**

### **2-56-1 Purpose**

The purpose of this policy is to describe the responsibilities of all Department personnel to report use of force against an individual, whether an officer is witness to a use of force or involved in a use of force, so that reviewers and investigators can determine whether such force was reasonable, necessary under the circumstances, and proportional to the threat or resistance of the individual.

### **2-56-2 Policy**

Officers shall immediately notify a supervisor and document any use of force in order to facilitate the review and investigation of such incidents.

Officers witnessing or learning about use of force by another officer shall completely, thoroughly and accurately report such incidents to the appropriate supervisor.

### **2-56-3 Classification of Use of Force by Department Personnel**

The Department utilizes a force classification system that takes into consideration the likelihood and degree of pain or injury to the individual which determines the appropriate review or investigation by a supervisor or investigator with the FIS.

**Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation and/or discomfort during its application as a means of gaining compliance.

- a. This includes techniques, which are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).
- b. Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at an individual, or using an ECW to “paint” an individual with the laser sight or arcing, as a show of Force are reportable as a Level 1 Use of Force.
- c. Level 1 Use of Force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.

**Level 2 Use of Force:** Force that causes an injury, could reasonably be expected to cause injury, or results in a complaint of an injury.

Level 2 Use of Force includes:

- a. Use of an ECW, including where an ECW is fired at an individual but misses;
- b. Use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at an individual but misses;
- c. OC Spray application;
- d. Empty Hand Techniques (e.g. strikes, kicks, takedowns, distraction techniques, or leg sweeps); and
- e. Strikes and attempted strikes with impact weapons, except for strikes to the head, neck, or throat, which would be considered a Level 3 use of Force.

**Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.

## **2-56-3 Use of Force Reporting Procedures**

### **A. General Requirements of Officers Who Use Force**

1. All officers, regardless of rank, shall immediately notify their on-duty supervisor following any use of Force, prisoner injury, allegation of any use of Force, or Show of Force.

Officers shall immediately report use of Force to their chain of command when involved in off-duty enforcement action.

2. Low-Level Control Tactics, as defined in SOP 2-53 Use of Force—Definitions, are not Reportable Uses of Force. Officers who only use Low-Level Control Tactics are not required to notify their chain of command.
3. Officers that witness or are involved in in a use of Force or Show of Force shall notify another field supervisor when their immediate, on-duty supervisor is unavailable.
4. Officers shall remain on the scene of a use of Force or Show of Force incident until relieved by a supervisor.
5. Officers who learn of an unreported use of Force by another officer shall immediately report the incident to their on-duty supervisor.

6. An officer failing to report a use of Force, Show of Force, allegation of any use of Force, or prisoner injury shall be subject to disciplinary action.
7. All officers shall activate on-body recording devices and record all use of Force incidents in accordance with Department SOP 2-8 "Mandatory Recording Incidents." Officers who do not record use of Force incidents shall be subject to discipline, up to and including termination.
8. A supervisor who was involved in a Reportable Use of Force, including by participating in or ordering the use of Force being reviewed, shall not be involved in reviewing the incident. "Participating" is defined as physically assisting in overcoming an individual's resistance.
9. Where an officer is unable to write an initial report due to being the victim of a crime then the on-duty supervisor will assign another officer to write it.

#### **2-56-4 Officer Responsibilities Following Use of Force Incident**

##### **A. Duty to Provide Medical Attention and Transportation**

1. Following a use of Force and once it is safe to do so, officers shall immediately request medical services where an individual is injured or complains of injury.
2. Personnel transporting an individual to a medical facility for treatment shall take the safest and most direct route to the medical facility.
3. Where an officer transports an individual to a medical facility the officer shall notify the communications command center of the starting and ending mileage of the transporting vehicle.

##### **B. Video of Use of Force Incident**

1. Officers involved in a use of Force shall not leave the scene without providing the responding supervisor access to their on-body recording device to review footage of the incident.
2. Officers witnessing a use of Force shall provide the responding supervisor access to their on-body recording device to review footage of the incident upon request.

##### **C. Officer's Obligations Following Level 1 Use of Force**

1. All officers shall provide a written or recorded use of force narrative of the facts leading to the use of Force or Show of Force by the end of the shift to the supervisor conducting the review or APD officer conducting the investigation.

The narrative shall include:

- a. A detailed account of the incident from the officer's perspective;
- b. The reason for the initial police presence;
- c. A specific description of the acts that led to the use of force, including the individual's behavior;
- d. The level of resistance from the individual; and
- e. A description of each type of Force used and justification for each use of Force.

Where an officer provides a written narrative of the use of force they shall do so in the BlueTeam administrative system. Officers are not responsible for initiating BlueTeam entries.

2. Officers shall not utilize boilerplate or conclusory language (e.g., "guided to the ground", "offered resistance") when providing a written or recorded use of Force narrative.

#### D. Officer's Obligations Following Level 2 or 3 Use of Force

1. Officers found to have used Level 2 or 3 Force shall remain on-scene until contacted by an investigator with the Internal Affairs Force Division.

#### E. Special Operations Division Procedure Following Use of Chemical munitions and NFDD

1. When deployed NFDD and chemical munitions are considered a use of force. As such, their use will be documented and submitted to the chain of command for review. The documentation should consist of a description of the reasons for deployment, the method of deployment, the effects of the deployment, a description of any injuries or property damage resulting from the deployment, and an assessment of the outcomes of the deployment.
2. The deployment of the below listed chemical munitions will be considered a use of force because it is likely to cause only momentary discomfort during application and will be utilized by personnel as a means of gaining compliance:
  - a. CS Tri-Chamber;
  - b. CS Triple Chaser;

- c. CS Hand Ball;
- d. OC Vapor Aerosol;
- e. Ferret 40mm Powder Barricade Round, OC; or
- f. Ferret 40mm Powder Barricade Round, CS

- 3. When NFDD devices or chemical munitions are deployed, an SOD supervisor will investigate the use of force as indicated below:
  - a. Respond to the scene, if not already on scene, and immediately identify the officer(s) involved in the use of force;
  - b. Review the involved officer(s) lapel video;
  - c. Review the lapel video of other officers on-scene where there is uncertainty about whether the incident is a use of force;
  - d. Examine personnel and subject(s) for injuries
  - e. Gather any evidence located at the scene
  - f. Ensure photographs of the officer(s) and the subject(s) are taken
  - g. Initiate a Blue Team entry for the use of force

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