

	FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES	
	OPERATIONS	
302.00	APPROVED: <i>Brian F. Layton, Chief of Police</i>	Initiated: 10/01/2007
		Revised: 03/25/2024

RESPONSE TO RESISTANCE

Policy - It is the policy of the Fredericksburg Police Department to utilize the least amount of force in force situations, and to value and preserve human life in all situations in which officers are discharging their official duties. This policy will provide all officers and supervisors with guidance and direction on de-escalation, force options, and reporting of use of force incidents.

302.00 – Use of Force – In any encounter where the use of force becomes necessary, only reasonable force will be used. Under no circumstances will force used be greater than necessary to achieve lawful objectives and to conduct lawful public safety activities. [4.1.1]

In determining the appropriate level of force, officers should apply the levels of force under the department’s trained use of force options along with the following three factors from the Graham v. Connor test:

1. How serious is the offense at the time the force is used?
2. What is the physical threat to the officer or others?
3. Is the subject actively resisting or attempting to evade arrest by flight?

Officers must consider whether the force option they choose is proportional to the need for the force. Officers need not select the least amount of force that can be used, but must select a level of force that is reasonable and proportional for the given circumstances. Officers must also consider a subject’s mental illness when dealing with a subject known to be mentally ill.

Proportionality: Involves officers using only the level of force necessary to mitigate the threat and safely achieve lawful objectives.

302.01 – De-escalation - means acting or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation without the application of force or to reduce the escalation of force when force is applied. Officers should integrate de-escalation strategies if they are safe, applicable, and reasonably available under the circumstances throughout encounters that involve the potential or actual use of force.

Examples of de-escalation strategies include, but are not limited to: crisis intervention techniques, crisis communication tactics (i.e. verbal judo & CIT), reducing or increasing police presence, creating distance, awaiting additional resources, immediate intervention to prevent escalation, commands to cease resistance, and warnings that the level of force will be escalated; including a warning prior to the use of lethal force if reasonable under the circumstances. [4.1.1]

302.02 – Duty to Intervene - All officers have an affirmative duty to act if they observe another officer or public safety associate using force that is clearly beyond that which is objectively reasonable under the circumstances, and shall safely intervene to prevent the use of excessive force. Officers will also intervene if they witness another officer making a false arrest or depriving an arrestee of medical care. Intervention may be verbal and/or physical depending on the circumstances. **Failure to intervene, may subject an officer to disciplinary action.**

- Notification to the immediate supervisor will be made as soon as practical in any situation where intervention was required by an officer. If the officer is not comfortable with reporting the incident to their immediate supervisor, notification can be made directly to the Office of Professional Standards. First line supervisors will consider the seriousness of the violation when deciding what remedial action is necessary, including but not limited to coaching, squad level written counseling, or recommendation to OPS. First line supervisors will notify their respective Lieutenant of the required intervention.
- Officers acting on a duty to intervene will be exempt from any charges of insubordination if the intervention involves a higher-ranking officer and was reasonable under the circumstances. [1.2.10]

§ 19.2-83.6, Failure of a law enforcement officer to intervene in use of excessive force:

- A. Any law-enforcement officer who, while in the performance of his official duties, witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A law-enforcement officer shall also render aid, as circumstances reasonably permit, to any person injured as the result of the use of excessive force.
- B. Any law-enforcement officer who intervenes pursuant to subsection A or who witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report such intervention or use of excessive force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer. No employing agency shall retaliate, threaten to retaliate, or

take or threaten to take any disciplinary action against a law-enforcement officer who intervenes pursuant to subsection A or makes a report pursuant to this subsection.

302.03 – Use of Deadly Force – An officer may employ deadly force when he or she has a reasonable belief that his or her life or that of another is threatened by imminent death or serious bodily injury. The use of lethal force solely to prevent the escape of an unarmed felon or suspected felon is generally prohibited; lethal force may be used to prevent escape only when the officer has a reasonable belief that the suspect poses an immediate threat of death or serious bodily injury to the officer or others. Chokeholds or neck restraints shall not be employed unless the use of lethal force is appropriate. [4.1.6] [4.1.7] [4.1.2]

§ 19.2-83.4, Prohibited practices for law-enforcement officers during an arrest or detention: “The use of a neck restraint by a law-enforcement officer is prohibited unless the use of a neck restraint is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.”

§ 19.2-83.5, Use of deadly force by a law-enforcement officer during an arrest or detention:

A. A law-enforcement officer shall not use deadly force against a person unless:

1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;
2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;
3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and
4. All other options have been exhausted or do not reasonably lend themselves to the circumstances.

B. In determining if a law-enforcement officer's use of deadly force is proper, the following factors shall be considered:

1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and
2. The totality of the circumstances, including (i) the amount of time available to the law-enforcement officer to make a decision; (ii) whether the subject of the use of deadly force (a) possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force; (iii) whether the law-enforcement officer engaged in de-escalation

measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; (iv) whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and (v) the seriousness of the suspected crime.

The following definitions will be used to govern this directive:

- **Force:** Any physical effort that is used to seize, control, or repel another individual.
- **Excessive Force:** Any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- **Deadly Force:** Any force that is likely or intended to cause serious bodily injury or death.
- **Less Lethal Force:** A degree of quantity of force that is neither likely nor intended to cause death or great bodily harm. Less lethal force includes the use of physical strength, a chemical agent, baton, or other approved less-lethal weapon.
- **Public Safety Associate:** Any member of law enforcement from other agencies with shared or concurrent jurisdictions, agency volunteers, or representatives from support organizations within the broader criminal justice system (ex. Adult/Juvenile Probation Officers)
- **Reasonable Belief:** A belief based on specific and articulable facts which, taken together with the rational inferences from those facts, reasonably warrants an officer's action.
- **Serious Bodily Injury:** Any injury that could result in maiming, disfiguring, or disabling. [4.1.2]
- **Kinetic Impact Munitions:** Impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds and plastic, wax, wood, or uber-coated projectiles.
- **Neck Restraint:** The use of any body part or object to attempt to control or disable a person by applying pressure against the neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting the person's blood flow or breathing, including chokeholds, carotid restraints, and lateral vascular neck restraints.

In any circumstance where deadly force has been used, the Watch Commander or designee shall direct Communications to conduct a "roll call" to account for personnel as soon as reasonably possible. Other circumstances that require personnel to be accounted for are:

- Use or possible use of deadly force against police employees
- Vehicle pursuits
- Foot pursuits
- Incident Command System situations
- Any event or time where personnel accountability may be in question

302.04 – Discharging Firearms from a Moving Vehicle – Shooting at or from a moving vehicle is prohibited, except as a last resort in the most extreme and exceptional circumstances when required

to avoid immediate and clearly foreseeable danger of death or serious injury to the officer or citizen(s).

§ 19.2-83.4, B. Prohibited practices for law-enforcement officers during an arrest or detention: “The willful discharge of a firearm by a law-enforcement officer into or at a moving vehicle is prohibited unless the discharge of a firearm is immediately necessary to protect the law-enforcement officer or another person from death or serious bodily injury.”

As in any case in which deadly force is used, the safety of innocent persons is of paramount importance and the officer’s actions shall not unreasonably jeopardize the safety of such persons. Further, officers must consider the following factors in determining whether shooting at or from a moving vehicle is justified:

- An occupant of the target vehicle is using or threatening to use deadly force by a means other than the vehicle.
- The target vehicle is being operated in a manner deliberately intended to strike an officer, a citizen, or as a weapon of mass destruction in an apparent act of terrorism.
- All other reasonable means of defense (including taking cover or moving out of the path of the vehicle or taking other evasive action) have been exhausted, are not practical or are not present.

Officers should also be aware and cognizant of the following factors when making decisions on shooting at or from moving vehicles:

- Bullets fired at a moving vehicle are unlikely to stop or disable the vehicle.
- Bullets may ricochet off glass or metal and cause injury to officers or other citizens.
- The vehicle may crash and cause injury to others if the bullets disable the driver.
- Shooting at or from a moving vehicle is extremely difficult, greatly reducing the likelihood of striking the intended target.

302.05 – Warning Shots – The firing of warning shots is strictly prohibited. [4.1.3]

302.06 – Less Lethal Force – Officers are authorized to use less lethal force to:

- Defend themselves or others from assaults and other threats.
- Arrest, detain, subdue, control, and/or restrain a non-compliant (active resistance or active aggression) suspect.
- Prevent the escape of a suspect.
- Bring an unlawful or dangerous situation safely and effectively under control.

As with the use of deadly force, officers contemplating the use of less lethal force shall apply a standard of objective reasonableness, basing any decision to use force on the totality of the circumstances known to them at the time. Less-lethal weapons are designed to be less lethal than firearms, however officers must know and understand that the use of less-lethal weapons can sometimes result in death or serious bodily injury.

Nothing in this directive requires or encourages officers to expose themselves to unreasonable risk, take extraordinary measures, or sustain injury before applying appropriate less lethal force.

A variety of less-lethal weapons are issued to sworn officers for use in situations where a firearm would not be considered a reasonable use of force. Weapons authorized for use and categorized as less lethal are:

- Oleoresin Capsicum (OC) Spray
- Expandable Baton
- Conducted Energy Weapon (CEW)
- 37mm Bean Bag round

In non-lethal force situations, officers shall employ only those weapons for which they are trained (and certified), and only in the manner in which they were trained. However, in situations where deadly force is authorized, officers may employ any weapon or object at their disposal regardless of training and/or the object's intended purpose. [4.1.4]

Guidelines for use of less lethal weapons are listed below. [4.1.4]

302.07 - Oleoresin Capsicum (OC) Spray and Vapor:

Oleoresin Capsicum (OC) Spray and/or vapor may be used in situations where force is permitted, provided that the officer has been trained in the use of the substance and is approved for such use by the Department.

When a suspect has been sprayed or otherwise exposed to a chemical substance, the officer shall arrange for the suspect to be examined by Emergency Medical Services (EMS) personnel. This examination shall not be deemed an emergency (unless breathing difficulties are involved), but shall occur without unreasonable delay. It may occur at or near the scene, if practical, or upon arrival at the prisoner transport destination.

The suspect shall be transported to a hospital or other appropriate acute care facility if:

- EMS personnel determine that the suspect requires attention at a medical facility.
- The suspect is observed to have difficulty breathing or exhibits other symptoms that suggest an unusually violent or abnormal reaction to the chemical substance.
- The suspect specifically requests examination or treatment at a medical facility, regardless of whether the suspect has been examined by EMS personnel.

If an innocent bystander is unintentionally exposed to a chemical substance, the officer shall counsel the bystander regarding the proper cleansing methods and shall offer to summon an ambulance if the bystander so desires. The officer shall also obtain the bystander's name and address for inclusion in relevant reports. [4.1.5]

Additional Guidelines:

- Oleoresin Capsicum (OC) Spray will not generally be sprayed into crowds except as described in bullet 3 below. Such tactics would require a large volume of spray and the primary disabling feature of the spray would be lost on clothing and the atmosphere.
- OC Spray shall not be used to extricate persons from a stopped motor vehicle without first gaining approval of a supervisor.
- OC Spray will not be used for crowd control during incidents of civil unrest without authorization of the Incident Commander. When possible, supervisors will ensure that innocent persons are not unnecessarily exposed to oleoresin capsicum pepper spray. [4.1.4]

302.08 - Expandable Baton:

Use of Impact Weapons - Officers may elect to use an authorized impact weapon in any situation where use of force is permitted, provided that the weapon is a reasonable and appropriate response to the level of resistance or the level of threat then confronting the officer.

302.09- Conducted Energy Weapon (CEW)

On January 11, 2016 the 4th Circuit ruled that deploying an Electronic Control Weapon (such as a taser) is a serious use of force because it causes excruciating pain. The use of an CEW is a proportional use of force when deployed in response to a situation in which an objectively reasonable officer would perceive that the circumstances present a risk of **immediate danger** that could be mitigated by the use of force. Mere physical resistance to arrest is not synonymous with "risk of immediate danger." The immediate danger must be so severe that the deployment of the taser is proportional.

NOTE: Immediate danger requires an articulable danger to the officer or some other identifiable person who is present.

The Taser is not a substitute for deadly force. The Taser may prevent many situations from escalating to deadly force.

Officers assigned to the Patrol Division and trained in the use of the Taser shall wear a Taser when they are working their regularly scheduled work shift. The Patrol Division Commander or his designee will determine the assignments and accounting process for the Tasers as they become available.

Officers working in an off-duty capacity must carry a taser-

Use of Taser Restricted from Some Areas of The Body:

Cases have shown that if a subject experiences cardiac arrest during a situation involving a Taser discharge to the chest, it is difficult to determine whether or not the Taser contributed to the cardiac arrest.

Cases have also shown that a **frontal application** of the Taser is more effective when the point of aim is to the lower torso (below the sternum). *The most effective and preferred frontal zone taser shot is to have one probe impact in the abdomen and one probe impact in the thigh.*

The back is always the preferred target area when reasonably practical under the totality of circumstances of the incident.

Deployment of the Taser, probes or contact mode, to the restricted areas listed below shall be avoided if possible:

1. Eyes
2. Head, Throat & facial area
3. Chest area
4. Genitalia

If a suspect is struck in one of the restricted areas listed due to their own actions, the officer must document the reason(s) in the Use of Force report. An example would be if the suspect is moving at the time the Taser was deployed and the suspect moved into the probes.

Rules for the CEW are:

- Officers assigned to the Patrol Division shall carry a CEW before beginning their tour of duty
- The Patrol Division Commander or his designee will determine how the CEW is assigned to each Patrol Officer.
- Officers will vocalize a warning. (ex, verbal or laser painting) when they are about to deploy the CEW unless it would place the officer(s) in danger. This will alert other officers at the scene of the impending deployment and to reduce the risk of other CEW uses against the subject by different officers.
- The CEW will not be used on subjects who are in physical control of a vehicle in motion (ex., auto, motorcycle, ATV, moped, bicycle).
- A CEW deployment shall not be considered for the passively resistant subject.
- Active resistance that poses a threat of immediate danger to the officer or another shall be required.
NOTE: Physical resistance is not the same thing as the risk of immediate danger.
- The CEW is to control dangerous or violent persons especially when a reason exists to believe that it would be unsafe to approach within contact range of the individual.

- The CEW is deployed as an additional officer tool and is not intended to replace self-defense techniques or to be used as a restraint.
- The CEW shall not be used by any officer of this Department who has not received the SIX (6) hour mandatory training in handling and using the Taser by an instructor trained in such disciplines by the CEW manufacturer.
- The “**Drive Stun Mode**” of the Taser **will only** be used in the following scenarios:
 1. To **supplement** the “Probe Mode” to complete the incapacitation circuit, **or**
 2. As a **countermeasure** to gain separation between officers and the subject so the officers can consider other force options, or
 3. In those situations where the deployment of a cartridge is either unsafe or impractical, ex., due to officer/suspect proximity, suspect’s clothing, line of fire.

NOTE: The use of the CEW in the drive stun mode still requires active resistance that poses a threat of immediate danger to the officer or another.

- A subject fleeing from an officer, by itself, is not justification for the CEW to be deployed and **is prohibited**.
- Never point the CEW at another person unless its use is intended.
- The CEW shall not be **used on handcuffed** individuals **except** when one or more of the following circumstances exists:
 1. Subject is physically violent and is an immediate danger to the officer or others.
 2. Subject is actively resisting and control cannot be otherwise accomplished

The following are General and Safety Warnings that shall be strictly adhered to in order to minimize undue injuries:

- Do not use the CEW on any known or obviously pregnant female.
- Do not use the CEW on any subject if it is known they are saturated with or in the presence of highly flammable or combustible materials or liquid. Note: The FPD does not purchase or deploy alcohol-based OC spray.
- Do not use the CEW on any subject who may receive a secondary injury resulting from a fall from its use; i.e., standing on a roof ledge or other high places.
- Do not use the CEW on individuals in deep bodies of water due to the outside chance of drowning.
- Do not have more than one officer deploy the CEW against a single individual at the same time.
- Do not use the CEW as a punitive measure.

- Personnel should use the CEW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent CEW exposures beyond 15 seconds of multiple applications or continuous cycling should be independently justifiable, and the risks should be weighed against other force options. *(Any person exposed to the CEW for longer than 15 seconds **shall** be taken to the hospital for a medical evaluation).*
- Keep the CEW out of reach of children.
- Officers shall wear the CEW on their duty belt or vest mount configuration on the side **opposite** from their shooting hand. Officers are encouraged to draw the CEW **using their weak hand**, and transition the weapon to their strong hand.
- The CEW may be used against aggressive animals in situations where the animal is attacking a person or another animal. (ex., Dog attack)
- All subjects who have been Tased **shall** receive a medical evaluation. This can be accomplished by having a medic unit respond to the officer's location to evaluate the tased subject. If the subject is to be incarcerated then the jail officer will be made aware of the CEW usage by the transporting officer, and that the subject received a medical evaluation.
- Officers who have been trained may remove the probes from subjects who have been tased unless they are in a sensitive area (head, throat, neck, genitalia). [4.1.5]
- Darts/cartridges shall be properly stored and maintained as evidence following a discharge.
- Officers shall check and test the assigned weapon at the beginning of his or her duty shift.

Supervisors will:

- Respond to any scene where a CEW has been used
- Issue a replacement cartridge to officer

302.10 – 37MM / 40MM Super-Sock Bean Bag - The Super-Sock is a less-lethal compliance product that is designed to give law enforcement officers an additional option in intermediate range impact munitions. The Super-Sock has a maximum effective range of 20 yards. The projectile is a 155-gram flexible sock filled with silica beads. The muzzle velocity of the Super-Sock is 250 feet per second.

§ 19.2-83.4, C. Prohibited practices for law-enforcement officers during an arrest or detention:
 “The use of kinetic impact munitions by a law-enforcement officer is prohibited unless the use of kinetic impact munitions is necessary to protect the law-enforcement officer or another person from bodily injury.”

The Super-Sock is designed to deliver its kinetic energy over a relatively large area and impart a less-lethal impact to the target. The Super-Sock is in its deployed state immediately upon exiting the weapon barrel. It does not require a minimum range. Optimal ranges are between 5 and 15 yards. However, it is stressed that shot placement rather than deployment range is the critical factor in determining the extent of injury caused. Shots to the head, neck, thorax, heart or spine can result in fatal or serious injury.

The 37MM / 40MM Gun with Super-Sock rounds; will be carried in the Supervisor's SUV. Supervisors are responsible to ensure that this equipment is carried and available with other assigned equipment. Supervisors are responsible for the care of the weapon and shall immediately report any needed maintenance to the Support Services Division Commander.

Situations that may be considered for use of the Super-Sock to protect the law-enforcement officer or another person from bodily injury are:

- Controlling uncooperative or violent suspects. The Super-Sock gives officers a safe option to deploy a less-lethal weapon without resorting to deadly force to stop despondent suspects wielding weapons such as a knife or baseball bat. **(Provided that this can be accomplished without placing the officer's safety in jeopardy).**
- Standoff/Barricade Situations – The Super-Sock helps law enforcement personnel resolve barricade and standoff situations by delivering a kinetic energy impact from a distance.
- Suicide-by-Cop – Super-Sock will utilize kinetic energy impact to enable law enforcement officers to avoid tragedy and force a suicidal suspect to drop weapons and surrender.

Any subject who has been shot with a Super-Sock shall receive a medical evaluation. [4.1.4] [4.1.5]

302.11 - Other approved less lethal weapons – When approved for use by an Incident Commander, the following less lethal options are available for use (typically during incidents of civil disturbance involving a legitimate concern about violence and/or property destruction) and are described in greater detail in Directive 325 and the TFF Manual:

- Smoke (white and red)
- OC vapor
- OC spray and fogger
- CS gas
- Sting ball grenades
- OC Sting ball grenades
- CS Sting ball grenades
- Pepper ball munitions
- 37MM / 40MM riot rounds
- Flash bangs
- PR-24 baton
- Riot shield

302.12 – Medical Aid – Medical aid will be rendered consistent with the officer/employees training as soon as possible for persons who have sustained injury, expressed any complaint of injury, been rendered unconscious, or that the officer/employee has reason to believe have been injured as the result of a use of force or other law enforcement action. EMS personnel will be immediately requested if appropriate. Further, officers/employees should consider the medical condition of and any resistance being used by the injured person (s) before using restraining devices such as handcuffs. [4.1.5]

Examples of medical aid that can be rendered by officers/employees immediately include CPR, flushing out suspects eyes with water, or applying a tourniquet.

302.13 – Less Lethal Weapons Review, Inspection, and Proficiency - All less lethal weapons approved for use by the Chief of Police shall be reviewed and inspected by a weapons or defensive tactics instructor prior to being issued. Less lethal weapons shall be inspected annually on a schedule established by the Patrol Division Commander. Any less lethal weapon that is found to need repair or replacement shall be placed out of service and a replacement issued, as applicable. [4.3.1]

Sworn personnel assigned less lethal weapons or that use “pool” less lethal weapons (ex. 37MM) shall demonstrate proficiency with the weapon on an annual basis. Only sworn personnel who demonstrate proficiency will be permitted to carry/use such weapons. [4.3.2] [4.3.3]

Less lethal weapons may be used during training sessions **ONLY** when the training has been approved through normal department channels. Activation or use of a less lethal weapon outside of an approved training session shall be considered a use of force requiring a use of force report and administrative review.

302.14 – Use of Force Reports – Officers will make immediate verbal notification to their supervisors whenever force is used in the performance of an official police duty, or when exercising their law enforcement authority. Such notification is required whether the officer is on or off duty. In situations where an officer takes action that involves the use of force in another jurisdiction, the officer will immediately notify the appropriate law enforcement agency in that jurisdiction and contact an on-duty supervisor in this department as soon as practical. However, notification need not be made to agencies from adjoining jurisdictions when the officer is on duty and:

- The use of force did not involve a firearm;
- Did not result in serious bodily injury; and
- The incident occurred within one mile of the City line (An example of this is that there is no need to notify Spotsylvania County Sheriff’s Office of a use of OC spray by an on-duty officer in the Spotsylvania Mall parking lot).

Officers will submit an incident report with an IBR title of “Use of Force” in addition to the incident type, and a Use of Force report form to their supervisor. The report is forwarded, through the chain of command, to the Chief of Police via Blue Team. NOTE: A Use of Force Report IS NOT to be completed by the officer if a CRIMINAL investigation of the officer's actions is conducted (ref. Investigation of Police Involved Deadly Force Incidents Directive). Instead, the officer's supervisor will be responsible for completing the Use of Force report.

A Use of Force report will be completed for the following actions:

- Any discharge of a weapon for other than training purposes; [4.2.1, a]
- Actions that result in or are alleged to have resulted in the injury or death of another person; [4.2.1, b]
- The use of a deadly or less lethal weapon; [4.2.1, c]
- The use of weaponless physical force that involves striking, punching, kicking, or takedowns. [4.2.1, d]

A use of force report is not required when:

- Applying physical restraint devices during an arrest and or transport activities.
- Physically removing or escorting a passively resisting individual.
- Utilizing weaponless control technique or pressure point to gain compliance not resulting in a takedown (i.e. bent wrist or wrist lock).

*Note: If an injury has occurred during the three listed actions a use of force report will need to be completed.

302.15 - Use of Force Supervisor Responsibilities – First-line supervisors will immediately respond to the scene of any use of force incident to investigate, review, and assess the actions of the involved officer(s) to determine if the force used was consistent with FPD policy and training. When conducting a use of force review supervisors will:

- Activate their BWC and document all investigative interviews to include officers, suspects, and other involved parties that witnessed the force or events leading up to force that were present. Anyone who refuses to be interviewed, any scene footage including but not limited to, accurate depiction of lighting, weather, and any other evidence related to the use of force.
- Ensure that all involved officers complete an incident or supplemental report that accurately documents the details surrounding the force used.
- Ensure that a use of force form is completed by the officer that utilized force and that the report is forwarded to the supervisors prior to the end of their tour of duty.
- Brief the Watch Commander on the details of the use of force if on-duty, if not an email to the Division Commander will be completed notifying them of the use of force details with the appropriate Watch Commander copied.
- Ensure photographs are taken of all involved parties' injuries and any damage to property caused by the use of force.
- Review involved officers body worn camera video, this review does not solely look at the moment force was used, but also at the officer's overall response to the incident. Supervisors must ensure that an officer's actions are not unnecessarily or inappropriately escalating situations, leading to a need for force.
- Create and submit use of force case in Blue Team with all relevant documents, video, pictures and recommendation for disposition and corrective actions taken included.
- If the supervisor is the one that used force, a different supervisor needs to complete the use of force investigation. If there is no other supervisor immediately available, contact the Patrol Division Commander for determination on whether or not to have another supervisor called out to complete the investigation.

**A use of force supervisor form is available to assist with gathering required information for consistency in documentation.*

302.16- Show of force reporting- Officers are required to complete an IBR for any incident in which they display their firearm or a CEW for the purpose of compelling compliance. This report shall capture the reason for the show of force, against whom the force was used and the results (i.e. arrest, summons, or warning). If several officers are involved in a show of force, the primary officer will

complete the IBR using the Show of Force title and the assisting officers will complete a supplement detailing their involvement (i.e. felony traffic stop). Officers need not complete a separate report if a report is already going to be completed for a reportable offense associated with the show of force but need to add the additional title of Show of Force. Reports are not required for any situations involving training.

302.17 – Administrative Review of Use of Force Reports – Descriptive information contained in the report will be screened to ensure that the force used is in compliance with this directive. The supervisor's findings will be forwarded along with the use of force report via the chain of command to the Chief of Police. Additionally, supervisors will ensure that any injuries to either the officer or citizen are documented by photographs etc., and are properly documented and reported. [4.2.2]

302.18 – Annual Analysis of Use of Force Reports – At the conclusion of each calendar year, Professional Standards personnel or a Commander designated by the Chief of Police shall conduct an analysis of its use of force activities, policies and practices. The analysis will identify:

- Date and time of incidents [4.2.4, a]
- Types of encounters resulting in use of force [4.2.4, b]
- Trends or patterns related to race, age and gender of subjects involved [4.2.4, c]
- Trends or patterns resulting in injury to any person including employees [4.2.4, d]
- Impact of findings on policies, practices, equipment, and training [4.2.4, e]

302.19 – Administrative Assignment/Counseling – Any department personnel whose action(s) or use of force in an official capacity results in death or serious physical injury shall be removed from line-duty assignment for a period of time specified by the Chief of Police pending an administrative review. Removal from line-duty assignment will not result in loss of pay or benefits pending the results of an administrative review, nor shall removal from line-duty assignment indicate or imply that the department member acted improperly. Moreover, all department personnel directly involved in a use of force incident that results in serious physical injury or death must participate in a debriefing with a mental health professional at the expense of the department before returning to duty. Professional Standards investigations will be initiated for all use of force incidents that result in a serious physical injury or death. [4.2.3]

302.20 – LE Assault Review - Annually, Professional Standards personnel or a Commander designated by the Chief of Police will conduct a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. The review will be forwarded to the Chief of Police. [4.2.5]