



NC State University Police Department

Policy and Procedure

100-13 – Reporting Use of Force

Approved: February 19, 2024

Replaces Policy 100-13 Dated: 1/03/2024

*All revisions are in **BOLD** print.*

PURPOSE: The intent of this standard is to establish use of force or response to resistance reporting systems within the agency for effective review and analysis. The reporting systems should help identify trends, improve training and employee safety, and provide timely information for the agency addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

POLICY: The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the law enforcement agency. As such, it is the policy of the NC State University Police Department that uses of force, as designated by this general order, be reported in a timely, complete, and accurate manner by involved employees and those who witnessed the use of force. This policy covers the reporting of any use of force occurring while an employee is acting in their official law enforcement capacity, whether on- or off-duty, in uniform, in plainclothes, or on undercover assignment.

DEFINITIONS:

None

PROCEDURE:

A. Reporting Use of Force:

A written Use of Force Report is submitted whenever an employee:

1. Points or discharges a firearm, for other than training or recreational purposes
2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person
3. Applies force through the use of lethal or less lethal weapons;
4. Deliberately uses a vehicle in such a way that could reasonably cause bodily injury. This use of force may include ramming a subject's vehicle during a vehicular pursuit or use of the precision immobilization technique (PIT) maneuver or roadblocks to stop a fleeing subject's vehicle.
5. Applies weaponless physical force beyond mere restraint. A use of force report should not include the application of handcuffs or similar restraints; the physical removal of passively resisting demonstrators; the mere presence of officers, horses, or canines; or the issuance of verbal commands.

B. Actions Following the Use of Force:

1. Verbal Notification

Following a use of force, the officer who employed the force should immediately verbally notify their supervisor. Notification should also be made by any officer who witnessed the use-of-force incident. These reports should be made without delay so that the time, place, nature of the force used, and the circumstances surrounding the use of force become a matter of record. Immediate establishment of the facts protects both the officers and the agency from later charges arising from the incident. Also, corroboration of the account of the officer who employed the force by other officers who witnessed the incident serves to verify the individual officers' reports.

2. Written Documentation

- a. The notifications described above will be followed up with a written report of the incident prior to the end of shift or other timeframe authorized by the Chief of Police or designee.
- b. The officer who employs the force and any officers who witnessed the incident should file separate reports. The Department Use-of-Force Report (**Appendix A**) **shall** be completed by each officer who uses force. Officers who witness the incident will complete a supplemental report consisting of a narrative of their observations. The supervisor will complete the supervisor section of the Department Use-of-Force Report based on interviews with involved officers and witnesses and other observed facts or evidence.
- c. The written reports should conform to the previously reported facts, or, if there is a discrepancy, this discrepancy and the reasons for it should be clearly stated in the written report. This will substantiate the original notifications of the incident and minimize the possibility of contention by a civil plaintiff or criminal defendant. All reports should be comprehensive and provide the level of specificity necessary to fully document the force response. The reports should be an accurate account of what the officer knew, observed, or believed at the time of the incident. Any information that is revealed following the incident should not be included in the initial report but should instead be noted in a supplemental report. The reasoning behind this is that the legal basis for determining whether the use of force is justified is based on what the officer believed to be true at the time of the incident, rather than in hindsight.
- d. The following is a list of the types of information that should be captured in use-of-force reports; however, this list is not meant to be an exhaustive index of potentially pertinent information. The list ensures that the Department collects, at a minimum, the data necessary to meet the FBI reporting portal requirements related to uses of force. The Use-of-Force form is intended to capture the following:
 - 1) The nature of the incident;
 - 2) Where (address or latitude and longitude) and when (date and time) the incident took place;
 - 3) Location type of the incident (using location codes from NIBRS);
 - 4) Whether the incident was in response to a call for service or an officer-initiated action;
 - 5) Information on the subject, including age, sex, race, and ethnicity;
 - 6) Information on the officer including age, sex, race, ethnicity, years of service, and whether serving full-time;
 - 7) The size and build of the subject in relationship to the officer;
 - 8) Reason for initial contact between the subject and officer, including any suspected unlawful or criminal activity;
 - 9) Whether the incident was an ambush;
 - 10) Whether the officer was:
 - 11) Readily identifiable as law enforcement, including whether he or she was in uniform or plain clothes;
 - 12) operating a marked or unmarked law enforcement vehicle or on foot patrol;
 - 13) on or off duty; and
 - 14) accompanied by other officers
 - 15) Whether a supervisor or a senior officer acting in a supervisory capacity was present or consulted at
 - 16) any point during the incident;

- 17) Whether backup was requested and, if so, when it arrived;
- 18) Whether the officer approached the subject or was approached by the subject;
- 19) Whether associates of the subject were present at the time;
- 20) Whether witnesses were present at the time;
- 21) Whether there was any cause to believe the subject was armed or hostile;
- 22) The subject's general demeanor including any known or apparent impairments;
- 23) Any verbal exchange that transpired;
- 24) The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by the officer(s);
- 25) Any threat to the officer or another person;
- 26) Type, intensity, and duration of resistance to arrest by the subject, to include any threat to others;
- 27) Any de-escalation attempts made;
- 28) Any force options available to the officer and the reason for the level of force response employed;
- 29) Any subject and officer injury or complaint of injury, medical treatment received, or refusal of medical treatment;
- 30) Photographs of subject and officer injuries;
- 31) Video and audio recordings made of the incident, including those made by body-worn cameras.

If the use of force results in death or serious bodily injury, the Chief of Police or his/her designee is required, in accordance with [N.C.G.S. 17C-15](#) to submit the [State's Critical Incident Report for NC Law Enforcement](#) form (Appendix B) to the North Carolina Criminal Justice Education and Training Standards Division in a timely manner. This paperwork shall be completed by the on-duty supervisor and forwarded through the chain of command along with the Use of Force Report.

C. Supervisory Responsibilities:

1. It is essential that first-line supervisory officers ensure that agency policies and procedures are followed. Failure to fulfill supervisory responsibilities in connection with a use-of-force incident may result in civil liability for the supervisor, as well as for the agency and the involved officers. When a notification concerning use of force is received, the officer's immediate supervisor should respond to the scene on a priority basis. The supervisor should then undertake, at a minimum, the following duties:
 - a. Document both the officer's and the subject's statements regarding the event. This should include statements regarding the actions taken, injuries sustained, and medical treatment needed or desired.
 - b. Identify and interview available witnesses. Even when the officers on the scene have interviewed a witness, the supervisor should conduct a corroborative interview and resolve any conflicts between the witness's statements and the account of the officer.
 - c. Ensure that details of the scene of the incident are documented as necessary for future reference, to include photographing and/or videotaping of the scene.

- d. Ensure that medical attention for anyone at the scene has been obtained if required or requested. If a health care provider conducts an examination, he or she should be interviewed regarding the injuries, if any were sustained during the incident. The health care provider's view of the consistency of the injuries with the reported use of force should also be obtained.
- e. Complete a supervisor's section of the Use-of-Force Report.
- f. In addition to the above, the supervisor should notify the appropriate agency investigative authority, through the chain of command, whenever there are injuries or complaints of injury, hospitalization, or death to a person or officer resulting from a use of force.
- g. **As stated in B, 2, the supervisor shall complete and submit the State's Critical Incident Report for NC Law Enforcement form (Appendix B) and forward through the chain of command if serious bodily injury or death result as a result of the use of force.**

D. Administrative Review:

- 1. All Use-of-Force Reports will be reviewed by the employee's chain of command beginning with the immediate supervisor and concluding with the Chief of Police. The Department's Internal Affairs function will also review all Use-of-Force Reports. Further investigations should be conducted in cases where there are inconsistencies in reports by officers, supervisors, or witnesses; in instances of irregularities in reports; or in other cases deemed necessary.
- 2. All uses of force will be reviewed by the Chief of Police to identify any deficiencies in agency policy, procedures, rules, training, supervision, equipment, or any aspects of organizational culture that may have a negative impact on officer use of force.
- 3. **Once the Administrative Review is completed, the Chief of Police or his/her designee shall submit the State's Critical Incident Report for NC Law Enforcement form (Appendix B) to the North Carolina Criminal Justice Education and Training Standards Division. The Internal Affairs Lieutenant is designated by the Chief of Police to make this submission.**

E. Use of Force Information Release:

- 1. Information about Use of Force Incidents will follow the North Carolina State Statutes on media releases for on-going investigations and protected personnel information. Refer to the general order on News Release and Media Cooperation for what type of information will be released and when.

F. Removal from Operational Assignment:

- 1. Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, will be removed from operational assignments, pending an administrative review.

G. Analyze Reports of Use of Force:

Annually, the Internal Affairs function conducts an [analysis](#) of its use of force activities, policies and practices. The [analysis](#) shall identify:

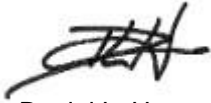
- 1. Date and time of incidents;
- 2. Types of encounters resulting in use of force;
- 3. Trends or patterns related to race, age and gender of subjects involved;
- 4. Trends or patterns resulting in injury to any person including employees; and
- 5. Impact of findings on policies, practices, equipment, and training.

The analysis will be made available to all agency personnel and to the public in an effort to enhance the transparency of use-of-force incidents and the investigation of these incidents by the agency, while balancing the need for confidentiality in accordance with applicable laws.

H. FBI National Use-of-Force Data Collection:

1. In addition to internal reporting requirements, the Chief of Police or designee will report all relevant statistical data related to serious uses of force to the FBI National Use-of-Force Data Collection reporting portal. While this reporting requirement is voluntary, it is crucial to provide reliable nationwide data on the overall frequency and outcomes of law enforcement use of force data that are currently unavailable.

APPROVED:



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Chief of Police