


**The Pennsylvania State University
Police and Public Safety Department**

POLICY AND PROCEDURAL ORDER

SUBJECT 5.3 Reporting and Investigating Force		
CALEA REF. 4.1.5, 4.2.1, 4.2.2, 4.2.4	EFFECTIVE DATE 11/15/18	REVISED DATE 11/1/23
APPROVED BY Chief of Police and Public Safety, Wesley Sheets 		ASSIGNED TO GROUP(s): 4, 5 and 6

This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This General Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to provide The Pennsylvania State University Police and Public Safety (UPPS) officers and their supervisors with guidelines for reporting and investigating use of force incidents.

II. POLICY (1.2.6)

The authority to use force carries with it the need for accountability to safeguard the rights of the public and preserve the integrity of the UPPS Department as well as the jurisdiction that provides this authority. To protect citizens and employees, UPPS is committed to documenting and investigating all use of force incidents. As such, it is UPPS policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any officer who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, will not be allowed to conduct the review/investigation.

III. DEFINITIONS

- A. **Blue Team:** A web-based program designed for field personnel to enter incident data and view employee performance information captured within IAPro.
- B. **Critical Firearm Discharge:** When an officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.
- C. **Deadly Force:** Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and will only be used in accordance with the law.
- D. **Deployment:** Includes removal of any firearm, TEW or non-deadly weapon from its carrier.
- E. **Discharge:** The use or firing of any weapon.
- F. **Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- G. **Force:** Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes, the act of pointing a firearm at or in the direction of a human being, discharge of a firearm, pointing or discharging an active Taser Energy Weapon (TEW) in the direction of a human being, use of impact weapon to strike, discharge of chemical spray, use of chokeholds or hard hands, taking of a subject to the ground, and a K-9 bite. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, prevent escape or protect the officer or other person.

- H. **Harm**: Injury inflicted upon a person, whether visible or not.
- I. **Hard Hand Control**: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points.
- J. **IAPro**: An electronic database designed to track employee performance, commendations, discipline, administrative investigations, etc.
- K. **Non-Deadly**: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.
- L. **Resisted Handcuffing**: When a person actively resists being placed in handcuffs and the officers must use “soft hand controls” to gain compliance by forcibly moving the subject’s wrists or arms, or to physically maneuver the subject’s body so the handcuffs can be applied. The “resistance” may range from an active struggle to a person simply “locking” his/her arms to prevent compliant handcuffing. Conversely, “unresisting (cooperative) handcuffing” occurs whenever the subject complies with the officer’s verbal commands and/or willingly allows the officers to position their arms to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.
- M. **Serious Bodily Injury**: Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.
- N. **Show of Force**: Displaying a weapon from its holstered or stored position, during an incident where no force is applied against a human being or animal.
- O. **Soft Hand Control**: The use of physical strength and skill in defensive tactics to control arrestees that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact-oriented and may include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.
- P. **Supervisor**: A supervisor includes personnel at the rank of Sergeant and above who are assigned responsibility for supervising officers of a lower rank.
- Q. **Weapon**: Any instrument, article, or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

IV. PROCEDURES

- A. The Department will use the IAPro/Blue Team system to document use of force incidents. The IAPro/Blue Team reporting system will allow for the effective review and analysis of all Department use of force incidents. The reporting system is designed to help identify trends, improve training, and officer safety, and provide timely and accurate information to the Department. Employees will complete the appropriate Departmental IAPro/Blue Team *Use of Force Report form* whenever they use force as described below:
 - 1. The discharge of a firearm for other than training or recreational purposes; (4.2.1a)
 - 2. Any action that results in or is alleged to have resulted in, injury to or the death of another person; (4.2.1b)

3. The officer applies force through the use of deadly or non-deadly weapons; or (4.2.1c)
 4. The officer applies weaponless physical force above the level of non-resistant handcuffing. (4.2.1d).
- B. Show of Force Report
- The Department will use the IAPro/Blue Team system to document show of force incidents. The IAPro/Blue Team reporting system will allow for the effective review and analysis of all Department show of force incidents. The reporting system is designed to help identify trends, improve training, officer safety, and provide timely and accurate information to the Department. Employees will complete the appropriate Departmental IAPro/Blue Team Show of Force Report Form whenever they display a weapons platform as described below:
1. The deployment of a firearm for other than administrative, training, or recreational purposes.
 - a. The removal (and charging) from the patrol vehicle or station of any shoulder weapon for an incident (does not include pre-shift placement in vehicle or post-shift removal from vehicle);
 2. The officer displays a weapon platform but does not point the weapon at or towards a human being or animal.
- C. Force Levels
2. Level 1
 - a. A firearm is intentionally pointed at a person;
 - b. A weaponless defense technique is applied;
 - c. An on-duty firearm discharge to dispatch an injured animal; or
 - d. A weaponless defense technique control hold is applied:
 - i. Escort (elbow);
 - ii. Twist lock;
 - iii. Arm-bar; or
 - iv. Bent-wrist.

Note: Un-resisted handcuffing is not considered a reportable use of force

3. Level 2
 - a. Chemical agent is applied to a person;
 - b. The use of TEW involving any of the following circumstances:
 - i. When one or more probes impacts or penetrates the subject's clothing or skin;
 - ii. When the push stun arc touches the subject's clothing or skin; or
 - iii. An TEW is fired at a person, but misses.
 - c. Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person, but no contact is made;
 - d. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person);
 - e. A weaponless defense technique, other than control holds, excluding strikes to the head. Examples include:
 - i. Hand/palm/elbow strikes;
 - ii. Kicks;
 - iii. Leg Sweeps; and
 - iv. Takedowns.
 - f. An on-duty firearm discharge at an animal, other than to dispatch an injured animal;

- g. Any strike to the head (except for an intentional strike with an impact weapon);
- h. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury;
- i. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject; or
- j. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

4. Level 3

- a. Any use of force resulting in death;
- b. Any critical firearm discharge regardless of injury;
- c. Any force which creates a substantial risk of causing death;
- d. Any force which causes serious bodily injuries as identified in this policy;
- e. Any intentional impact weapon strike to the head; or
- f. Any use of force investigation that is elevated to Level 3 by a Sergeant or other supervisory personnel.

D. Responsibility for Reporting

- 1. Any show of force will be documented in the IAPro/Blue team system under the designated form. The completed show of force report form will be submitted to the immediate supervisor prior to the officer's completion of his/her tour of duty.
- 2. All show of force reports will specify the circumstances of the incident that necessitated the show of force, and the reason(s) why the officer(s) showed force.
- 3. Officers will, as soon as possible, notify (by email, phone, or in person depending on availability of a supervisor) their supervisor of any show of force, or Level 1 Reportable use of force (4.2.1). In all cases, the notification will be made by the end of the officer's shift.
- 4. Officers will immediately notify (by phone, or in person depending on availability of a supervisor) their supervisor following any Level 2, or 3 Reportable use of force.
- 5. Officers will complete a Use of Force Report via the Blue Team system immediately following all reportable uses of force.
- 6. The completed Use of Force Report form will be submitted to the immediate supervisor prior to the officer's completion of his/her tour of duty. When completing the report, officers are also required to provide a written report explaining the details of the event. The following additional procedures will apply:
 - a. Each officer who uses force will submit a separate Blue Team written Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.
 - b. Any officer who witnesses a reportable use of force will advise a supervisor, or appropriate Deputy Chief, and will submit required reports.
 - c. If an officer uses force on more than one subject during the same event, the officer will complete a Blue Team Use of Force Report form for each individual.
 - d. If an officer is unable to complete the report due to injury, the officer's immediate supervisor (or on coming replacement) will complete it to the extent possible, by the end of that tour of duty.
 - e. A reportable use of force will be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).

7. All use of force reports will specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.
8. The arresting officer will notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
9. Supervisors will conduct an initial investigation and report any reportable use of force as directed in Section (D) of this policy.
10. Any officer(s) who engages in or witnesses a reportable use of force but fails to notify a supervisor and/or fails to complete the form as outlined by this policy, will be subject to disciplinary action.
11. A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force will not be allowed to conduct the investigation.
12. Officers who are the subject of an allegation of excessive force will immediately notify a supervisor so that they may document the incident as a citizen complaint. The supervisor will investigate the incident in accordance with applicable policies.

E. Referral/Transport for Medical Attention (4.1.5)

1. Arresting and transporting officers will ask prisoners, against whom force was used, whether they are injured or ill.
2. A suspect will be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
 - a. Is struck on the head or other body parts with an impact weapon or other hard object;
 - b. Is restrained about the neck or throat;
 - c. Is sprayed with a chemical agent;
 - d. Is subject to an TEW application;
 - e. Is struck with any non-lethal weapon projectile such as an TEW dart, bean bags, pepper ball, or sting ball; or
 - f. Is bitten by a police canine.
3. An injured prisoner will not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.
 - b. Refusal of treatment will be documented and verified by the officer and attending physician or qualified health care provider.

F. Supervisory Responsibilities (4.2.2)

1. General
 - a. The Shift Supervisor/Station Commander, after being notified of a Level 2 or 3 use of force, if available/on-duty will immediately respond to the scene and conduct a preliminary investigation into the use of force. If a supervisor is not available or on-duty, they will arrange for a supervisor (or Deputy Chief or designated substitute) from another station to respond.
 - b. The Supervisor, after being notified of a Level 3 Officer Involved Shooting, will follow the procedures set forth in Policy 5.7 (Officer Involved Shooting).

- c. While at the scene of a Level 2 or 3 use of force, the supervisor will visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.
 - d. While at the scene of a Level 2 or 3 use of force, the Supervisor will photograph or videotape all claimed or visible injuries, and all areas where the officer reports striking the subject. Photographs of the subject will be taken even when there are no signs of injury.
 - e. The supervisor will, within a reasonable amount of time after being notified of a reportable use of force, obtain a case number.
 - f. When a use of force incident occurs, the Shift Supervisor/Station Commander, or designee, has the primary responsibility to make certain that all applicable Blue Team Use of Force Reports are properly completed, reviewed for accuracy, and submitted as required by officers under their command. The Supervisor will approve the report and submit it to the appropriate Deputy Chief.
 - g. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor will review and sign the Supervisory portion of the report. Supervisors involved in a use of force incident will submit the Blue Team Use of Force Report Form to the next level of command not involved in the incident.
 - h. When an on-duty or off-duty employee has been involved in a use of force incident, which has resulted in death or serious injury to any person, the Shift or Station Commander will immediately report the incident to the Executive Deputy Chief via the chain of command. This also includes those cases where any firearm is accidentally or purposefully discharged which results in injury or death to any person.
2. Level 1 Use of Force
- a. When notified of a Level 1 use of force, the supervisor will do the following:
 - i. Document and review the officers Blue Team Use of Force Report form;
 - ii. Obtain, review, approve the completed Blue Team Use of Force Report from each officer prior to the end of their tour of duty;
 - iii. Evaluate the basis for the use of force and determine whether the officer's actions were within Department policies; and
 - iv. Submit completed Blue Team Use of Force Report with evaluation findings to the appropriate Deputy Chief prior to the end of the tour of duty.
 - b. The Deputy Chief will review the Use of Force Report and the supervisor's findings and:
 - i. If necessary, return the report to the supervisor to correct any identified deficiencies; or
 - ii. Approve the report and forward to the Executive Deputy Chief for review and filing within 15 calendar days.
 - c. The Deputy Chief may in her or his discretion return the Level 1 use of force investigation to the supervisor for further review and investigation.
3. Level 2 Use of Force
- a. When notified of a Level 2 use of force the supervisor (or alternate designee) will respond to the scene on a priority bases and will do the following:
 - i. Document, as necessary, the scene of the incident;
 - ii. Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;

- iii. Collect or cause to be collected all evidence of use of force;
 - iv. Identify and interview witnesses other than officers as appropriate;
 - v. Review, and approve the completed Blue Team Use of Force Report from each officer, prior to the end of the tour of duty;
 - vi. Summarize his or her investigation and findings; and
 - vii. Submit the completed Blue Team Use of Force Report with investigative findings to the appropriate Deputy Chief, prior to the end of the tour of duty.
 - b. The Deputy Chief will review a supervisor's Level 2 reports/reviews within (30) calendar days.
5. Level 3 Use of Force
- a. In cases involving a Level 3 Use of Force as defined by this policy, the supervisor will:
 - i. Immediately respond to and secure the scene;
 - ii. Ensure that officers and citizens receive appropriate medical attention;
 - iii. Notify the dispatch that an officer has been involved in a confirmed Level 3 use of force;
 - iv. Document, as necessary, the scene of the incident;
 - v. Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
 - vi. Identify witnesses, both officer and civilian, and ensure that they are segregated for interview by investigating units: and
 - vii. As soon as possible, secure the weapons(s) used by the involved officer(s).
 - b. Dispatch or the appropriate supervisor/Deputy Chief will immediately notify the Executive Deputy Chief who will initiate an Internal Affairs investigation to determine whether the officer(s) followed Department policy.
 - c. The supervisor, after being notified of a Level 3 officer involved shooting, will follow the procedures set forth in Policy 5.7 Officer Involved Shooting.

G. Deputy Chief

- 1. Ensure that the supervisors respond to the scenes of reportable use of force as required.
- 2. Review Use of Force investigations submitted by the immediate supervisor, and:
 - a. Verify that all applicable Blue Team Use of Force Reports and accompanying paperwork were submitted within the specified timelines.
 - b. Ensure that the Blue Team Use of Force Report and accompanying paperwork were reviewed and approved by the immediate supervisor; and
 - c. Verify that the use of force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.
 - i. Where there are discrepancies between the reports, or the Supervisor determines that further investigation is required, he/she will return the investigation to the appropriate supervisor for corrections, clarification, and additional investigative steps as needed.
- 3. Once the investigation is approved, determine the disposition for each allegation of use of force:
 - a. Justified, Within Department Policy – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate a Department policy;
 - b. Justified, Policy Violation – a use of force is determined to be justified, but during the course of the incident the subject officers violated a Department policy;

- c. Justified, Training Opportunity – a use of force is determined to be justified, no Department policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or
 - d. Not Justified, not within Department Policy - a use of force is determined to be not justified, and during the course of the incident the subject officer violated Department policy.
 - 4. The Deputy Chief will submit findings and conclusions via Blue Team to the Chief of Police, via the chain of command within fifteen (15) working days after receipt of the investigative case file from the investigating supervisor.
 - 5. The Deputy Chief will hold supervisors accountable for the quality of their performance reviews and investigations.
 - 6. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.
 - 7. The Deputy Chief will review the Use of Force Report Form to determine:
 - a. Whether the action was consistent with policy and procedure;
 - b. Whether the action warrants further administrative review/investigation;
 - c. Recommendations on equipment upgrades, training, and/or policy issues, if applicable.
 - 8. The Deputy Chief may confer with Department instructors/trainers who specialize in the field of force used, as needed. The Executive Deputy Chief, and the Chief of Police will be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
 - 9. In all cases where an officer's action is determined to be a violation of this policy but not a violation of state law, this distinction will be made clear in all public discussion of such incidents and in any disciplinary action which may result.
 - 10. Deputy Chiefs will submit the Blue Team Use of Force Report to the Executive Deputy Chief.
 - 11. In any incident where an officer's use of force results in death or serious physical injury such officer will be removed from line duty assignment pending an administrative review (4.2.3).
- H. Professional Standards
- 1. The Executive Deputy Chief is responsible for ensuring thorough and accurate Use of Force investigations are completed, and the investigative records are properly managed.
 - 2. The Executive Deputy Chief may be assigned by the Chief or designee to investigate or assist in the investigation of any Use of Force Level.
 - 3. The Executive Deputy Chief will lead all Level 3 Use of Force Internal Affairs Investigations to ensure the accurate and consistent recording of the incident to determine whether the officer(s) followed Department policy.
 - 4. Once the investigation is completed, provide a recommendation for the disposition for each allegation of use of force:
 - a. Justified, within department policy – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate a department policy;
 - b. Justified, policy violation – a use of force is determined to be justified, but during the course of the incident the subject officers violated a department policy;

- c. Justified, training opportunity – a use of force is determined to be justified, no Department policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or
 - d. Not justified, not within Department Policy - a use of force is determined to be not justified, and during the course of the incident the subject officer violated Department policy.
 - 5. The Executive Deputy Chief will submit findings and conclusions to the Chief of Police or designee, within fifteen (15) working days after the investigative case file is completed.
 - 6. The Executive Deputy Chief will hold supervisors accountable for the quality of their performance reviews, investigations, and adherence to UPPS Policies.
- I. Raid and Warrant Situations
- 1. Each officer who uses force will fill out a separate reportable Blue Team Use of Force report form including pointing of firearms at subjects during raids, or execution of search and/or arrest warrants.
 - a. Officers are advised that the reportable use of force report does not take the place or substitute for the completion of a Incident Report. An incident report should be prepared and the incident report number must be included in the Use of Force Report Form.
 - b. The use of force investigations will be conducted in accordance with and pursuant to applicable Department policies.
- J. Training
- 1. The Department will coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Department policy. The Department will provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.
- K. Annual Report Review (4.2.4)
- 1. The Executive Deputy Chief will appoint a Lieutenant who will conduct an annual (fiscal) analysis of all “Use of Force” incidents and department practices and policies. A comprehensive report will be provided to the Chief of Police and, at a minimum, will include the following information:
 - a. The date and time of incidents; (4.2.4a)
 - b. The types of encounters resulting in use of force; (4.2.4b)
 - c. Trends or patterns related to race, age and gender of subjects involved; (4.2.4c)
 - d. Trends or patterns resulting in injury to any person including employees; and (4.2.4d)
 - e. The impact or findings on policies, practices, equipment and training (4.2.4e).
 - 2. The Executive Deputy Chief will appoint a Lieutenant who will conduct an annual review (fiscal) of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise directives or address training issues (4.2.5).

UPDATES:

- 11/1/23
 - Titles and definitions updated