

	USE OF FORCE	Operations Order 1.5.00
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1. **PURPOSE**

The purpose of this policy is to establish what constitutes a permissible use of force by an employee, and the employee's duties before, during, and after using force. The goal of every encounter is to protect the community, employees, and subjects and bring the encounter to as peaceful a resolution as the person will allow. Employees may use only the force that is objectively reasonable to effectively gain control of an incident or subject, while protecting the safety of the community, employees, and others based on the Constitutional and legal minimums established by the Courts. Employees may use force only when no reasonable effective, safe, or feasible alternative appears to exist and may use only the level of force that a reasonable officer, on the scene, would use under the same or similar circumstances.

Aspects of this policy are deliberately stricter than the standards established by the [U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386](#) (1989).

2. **CORE PRINCIPLES**

- A. **Sanctity of Human Life** – Employees shall make every reasonable effort to preserve human life in all situations.
- B. **Value and Worth of All Persons** – Employees shall respect and uphold the value, rights, liberty, and dignity of all persons at all times.
- C. **Use of Force: Objectively Reasonable, Necessary and Proportional** – Employees shall use only the force that is objectively reasonable, necessary, and proportional to effectively and safely resolve an incident. Employees are permitted to use force to control subjects in the course of their official duties as authorized by law, and in defense of themselves and others. In doing so, an employee shall use only the force that is objectively reasonable in light of the facts and the Totality of the Circumstance confronting him/her at the time force is applied. This standard does not require employees to meet force with equal or lesser force. Employees are not required to wait for an attack before using reasonable force to stop a threat to officers or others.
- D. **De-Escalation** – Employees will be trained in de-escalation tactics and techniques designed to gain voluntary compliance from a subject before using force. Such tactics and techniques should be employed if objectively feasible and when they would not increase the danger to the community, employees, or others. Gaining voluntary compliance reduces the need for force, which keeps the community, employees, and subjects safe.

De-Escalation tactics and techniques help employees stay focused and calm during crisis situations to bring chaotic moments to as peaceful a resolution as the subject will allow. Employees shall avoid action or language that intentionally escalates an encounter.

- E. **Continuous Assessment** – Employees shall continuously assess each situation and modify their response as subject behavior and the circumstances change; before, during, and after an employee uses force. Employees may be justified in using force at a particular moment but not justified in using force when circumstances change.
- F. **Reporting Use of Force** – Each employee who uses force, or observes another employee use force, will ensure a supervisor is notified as soon as practical. If required, employees will complete an Incident Report and/or any supplements by the end of their shift.
- G. **Duty to Intervene** – All employees shall intervene, with no fear of retaliation, when they know or should know another employee is using unreasonable force or is otherwise engaging in abusive behavior or misconduct.
- H. **Duty to Provide Medical Assistance** – In keeping with the safety priorities, as soon as practical after any Use of Force incident, employees are responsible for requesting medical treatment for injured subjects and rendering aid consistent with the employee's training and equipment accessible at the time.

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2. I. **Accountability** – Employees shall be held accountable for uses of force that violate law or policy. Employees have an absolute duty to report all misconduct, including but not limited to, the use of excessive force.

- J. **Retaliatory Force** – Employees shall not use force against persons to punish them for fleeing, resisting arrest, assaulting an employee, or for any other retaliatory reason.

3. **DEFINITIONS**

A. Categories of Resistance	<ul style="list-style-type: none"> • Psychological Intimidation – Non-verbal cues indicating the subject's unwillingness or threats through attitude or aggressive posturing. • Verbal Non-Compliance – Verbal responses indicating the subject's unwillingness or inability to comply with commands. • Passive Resistance – The subject's failure to comply with an employee's commands, without attempts to flee. Passive Resistance may include, but is not limited to, the subject going limp or standing still and not moving in response to lawful directions. • Active Resistance – Physical actions that attempt to prevent an employee's control of the subject but do not rise to the level of Active Aggression against the employee or another person. A person's reaction to pain caused by an employee, or purely defensive reactions to force do not constitute Active Resistance. • Active Aggression – Physical actions of an attack or assault by the subject. • Aggravated Aggression – Actions of the subject that present an imminent threat of death or serious physical injury to the employee or another person.
B. Critical Incident Response Team (CIRT)	<ul style="list-style-type: none"> • A cross-functional team comprised of inter-disciplinary Departmental employees responsible for investigating critical incidents (e.g. Officer-Involved Shootings, In-Custody Deaths, etc.) • The CIRT is made up of representatives and subject matter experts from various units including, but not limited to: <ul style="list-style-type: none"> * Professional Standards Bureau (PSB) [Primary] * Force Evaluation & Review Unit (FERU) [Primary] * (PPD) Legal Unit [Primary] • Based on the nature of the Critical Incident, the CIRT will consult with the following subject matter experts which may include, but not limited to: <ul style="list-style-type: none"> * Violent Crimes Bureau (VCB) [Secondary Consultative Partner] * Vehicular Crimes Unit (VCU) [Secondary Consultative Partner] * Laboratory Services Bureau (LSB)-[Secondary Consultative Partner]
C. Deadly Force	<ul style="list-style-type: none"> • Force used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury. (ARS 13-105 (14))
D. De-Escalation	<ul style="list-style-type: none"> • Tactics and techniques used to minimize the need to use force and increase the likelihood of voluntary compliance.
E. Fact-Finding & Preliminary Questioning	<ul style="list-style-type: none"> • Initial investigative activity of asking preliminary questions and gathering relevant information available to: <ol style="list-style-type: none"> (1) determine whether any potential allegation of a policy violation (to include, force-related violations) exists which requires a misconduct investigation and the issuance of a Notice of Investigation prior to further questioning (ARS 38-1104.C.2), and / or (2) collection of information and materials needed to complete an Administrative Review, i.e. Use of Force Report in Blue Team
F. Head, Neck, and Chokehold	<ul style="list-style-type: none"> • Head Control – A department-trained technique utilized to control the movement of a subject's head or neck that does not involve a neck or carotid restraint or obstruction of the airway. For the purposes of this policy, contact with the neck that would not inhibit breathing or blood flow does not constitute a chokehold/neck hold. (continued on next page)

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3. **DEFINITIONS** (continued)

F. Head, Neck, and Chokehold (continued)	<ul style="list-style-type: none"> Chokeholds (<i>Prohibited unless deadly force is justified</i>) – Any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe. Carotid Control Technique (<i>Prohibited unless deadly force is justified</i>) – Any technique which is applied in an effort to control or disable a subject by applying bi-lateral compression to the carotid arteries with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain
G. Imminent Threat	<ul style="list-style-type: none"> A situation in which a person has the Ability and Opportunity to harm the employee or another person, and the employee reasonably believes the person intends to cause that harm.
H. Improvised Impact Weapon	<ul style="list-style-type: none"> A device or object that is not designed to be used as an impact weapon but is nonetheless capable of being used as an impact weapon (e.g., flashlight, radio, or stick).
I. Injury	<ul style="list-style-type: none"> Impairment of a person's physical condition or function greater than Temporary Pain and Minor Wounds but less than Serious Physical Injury, including but not limited to, abrasions, cuts, bruises, etc., requiring more than basic first aid.
J. Irritants	<ul style="list-style-type: none"> Approved substances that cause slight inflammation or other discomfort to the body.
K. Less-Lethal Force	<ul style="list-style-type: none"> Force that when applied properly, is not likely to cause death or Serious Physical Injury.
L. Less-Lethal Launchers	<ul style="list-style-type: none"> A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a weapon (such as a firearm designed to apply deadly force).
M. Minor Wound	<ul style="list-style-type: none"> Minor injuries that break the skin, including minor cuts, scrapes, scratches, abrasions, and minor punctures to the skin. Wounds which only result in basic first aid to flush or clean the wound and need only simple coverings such as bandages, gauze pads, etc.
N. Objectively Reasonable, Necessary and Proportional	<ul style="list-style-type: none"> Force is authorized only when it is Objectively Reasonable, Necessary and Proportional, in light of the Totality of the Circumstances that were known at the time to the employee. Objectively Reasonable force is Necessary when no effective alternative to force is practicable and is Proportional when the force used is appropriate and does not unduly exceed the Totality of the Circumstances.
O. Officer-created Jeopardy	<ul style="list-style-type: none"> When a police employee's actions recklessly escalates a situation and results in the need for police use of force, which did not exist prior to the employee's actions.
P. Pre-Attack / Flight Indicators	<ul style="list-style-type: none"> A person's verbal or non-verbal cues that can indicate a pending attack or flight
Q. Reportable Force	<ul style="list-style-type: none"> Force that rises to a Level 1, 2, or 3, as defined below, constitutes a reportable use of force. Reportable Force is referred to as "Use of Force" in this policy.
R. Safety Priorities	<ul style="list-style-type: none"> A concept utilizing objective criteria based on evaluating an individual's current or likely risk of suffering serious bodily injury or death and their direct ability to remove themselves from that danger. The Safety Priorities value life and are intended to assist employees in making tactical decisions to assist in saving all lives. Safety Priorities are as follows: <ul style="list-style-type: none"> (i) Hostages (ii) Innocents / Community Members (iii) Officers / Law Enforcement (iv) Suspect / Subject

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3. **DEFINITIONS** (continued)

S. Serious Physical Injury	<ul style="list-style-type: none"> Bodily injury that creates a reasonable risk of death; or causes serious and permanent disfigurement; or results in serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. (ARS 13-105 (39))
T. Show of Force (SOF)	<ul style="list-style-type: none"> Any lethal weapon or less-lethal device pointed in the direction of a person.
U. TASER Energy Weapon (TEW)	<ul style="list-style-type: none"> A weapon designed to discharge electrical impulses to temporarily immobilize a person, i.e. a TASER®.
V. Temporary Pain	<ul style="list-style-type: none"> Any pain that is brief, does not result in injury, and is intended only as a means to gain compliance.
W. Totality of the Circumstances	<p>Facts and circumstances known to the employee in the moment the decision to use force was made. The facts and circumstances may include, but are not limited to:</p> <ul style="list-style-type: none"> Subject's actions and behaviors Violence potential and history of the subject Whether an offense has been committed Nature of the offense Seriousness of the offense Number, size, and strength of the persons involved and on the scene Weapons and devices available to the persons involved in the offense Force options available to the employee Resources available, including concepts of Time, Distance, Cover Whether the person exhibits signs of mental illness or a behavioral health crisis Whether the person appears to have: <ul style="list-style-type: none"> * A medical or behavioral health disability * A physical or hearing impairment * An impairment due to alcohol or drug use * A language barrier that may contribute to non-compliance Environmental factors Proximity of back-up employee/s Injury or exhaustion of the employee/s involved Subject's ability to escalate Inability of the employee to disengage or create distance (e.g. confined spaces)
X. Use of Force	<ul style="list-style-type: none"> The amount of effort required by Department employees to compel compliance by an unwilling person.

4. **MINIMAL FORCE AND LEVELS OF REPORTABLE FORCE**

A. Minimal Force	<ul style="list-style-type: none"> Physical interaction meant to escort, handcuff, separate, guide, and/or control compliant subjects does not constitute a reportable Use of Force for the purposes of this policy. <p>NOTE: Use of joint manipulation techniques (joint locks), wrist locks, escort holds, pressure compliance techniques, armbars, or other firm grips utilized in conjunction with department-approved and trained handcuffing techniques.</p> <ul style="list-style-type: none"> Minimal Force is not considered a Use of Force.
B. Show of Force (SOF)	<p>Any time an employee points a firearm, Less Lethal Launcher, or CEW at a person.</p> <ul style="list-style-type: none"> Show of Force also includes the following situations: <ul style="list-style-type: none"> * Discharges (firing) of PepperBall® munitions near a person for the purpose of Area Saturation / Area Denial. * The "Warning Arc Display" of a CEW during a police incident in the presence of a person, for the purpose of gaining compliance. * Discharge (firing) of authorized irritant munitions near a person or into structure as part of pre-planned tactical event by Tactical Support Bureau personnel
C. Use of Force	<ul style="list-style-type: none"> Any force greater than Minimal Force constitutes a reportable Use of Force. Reportable force is divided into Levels 1, 2, and 3.

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4. **MINIMAL FORCE AND LEVELS OF REPORTABLE FORCE** (continued)

D. Level 1 Use of Force	<ul style="list-style-type: none"> • Use of physical control techniques that cause Temporary Pain or complaint of Temporary Pain, including, but not limited to the following: <ul style="list-style-type: none"> * Soft Empty Hand Techniques * Use of physical restraint devices beyond handcuffing, including the Department-approved RIPP® restraint, Spit Sock, and use of the phlebotomy chair restraints on non-compliant persons • Minor Wounds resulting in basic first aid to flush or clean the wound and need only simple coverings such as bandages, gauze pads, etc. • Complaints of Injury where the subject is evaluated by medical personnel and no medical treatment is administered • Forcible takedowns, tripping, or tackling, that does not result in Injury or complaint of injury
E. Level 2 Use of Force	<ul style="list-style-type: none"> • Use of techniques that cause or could reasonably be expected to cause Injury greater than Temporary Pain, including the following, when they do not qualify as a Level 3 Use of Force: <ul style="list-style-type: none"> * Intentional discharge of a TEW in Drive-Stun or Probes Deployment at a person * Use of Irritants, including OC spray, Repuls®, MK9, and CS gas * Hard Empty Hand Techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks * Use of Impact or Improvised Impact Weapons * Intentional discharge of a Less-Lethal Launcher at a person * Any Canine bite, resulting in Injury • Uses of Force resulting in an Injury requiring the administration of medical aid or treatment greater than basic first aid but not requiring hospitalization NOTE: "Hospitalization" does not include a "Medical Release", or treatment and release, in the emergency department, regardless of how long the stay. • Uses of Force resulting in the person's loss of consciousness NOTE: "Loss of consciousness" refers to a person temporarily losing consciousness as a result of a use of force.
F. Level 3 Use of Force	<ul style="list-style-type: none"> • Uses of Deadly Force, e.g. Officer-Involved Shootings, etc., as outlined in Section E, Restrictions on Deadly Force, of this policy • Uses of Force resulting in the person's death, Serious Physical Injury, or Injury requiring hospitalization NOTE: "Injury requiring hospitalization" refers to any formal admission to the hospital. "Hospitalization" does not include a "Medical Release", or treatment and release, in the emergency department, regardless of how long the stay. • Intentional use of a police vehicle to strike a pedestrian, cyclist, or occupied vehicle NOTE: "Occupied vehicle" does not include use of authorized vehicle interdiction techniques or "pinning" techniques used as a part of planned tactical event • Uses of Force that would otherwise qualify as a Level 2 force incident but involve a subject who is restrained, i.e. handcuffed or otherwise restrained
G. Non-Use of Force Special Reporting Circumstances	<ul style="list-style-type: none"> • The following incidents by definition are not considered Uses of Force but necessitate formal Investigations by the nature of their occurrence: <ul style="list-style-type: none"> * Firearm Discharges – Animal / Non-human Target: Any discharge of a firearm NOT at or in the direction of a person but rather a discharge at an animal or other non-human target * Firearm Discharges – Negligent: Any negligent discharge of a firearm NOT at or in the direction of a person or an animal * In-Custody Death: The death of a person in the custody of the Department, in which the death is deemed not to be related to any force used by employees

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4. **MINIMAL FORCE AND LEVELS OF REPORTABLE FORCE** (continued)

H. Critical Incident Investigations	<ul style="list-style-type: none"> • A qualifying incident that due to its very occurrence, for the good of the Department and community trust, is investigated as a formal Investigation even in the absence of a Credible Allegation of employee Misconduct. • The following qualifying incidents are considered Critical Incidents: <ul style="list-style-type: none"> * All Officer-Involved Shooting (OIS) incidents (Level 3 Use of Force) * All applications of Deadly Force (Level 3 Use of Force) * Any other Level 3 Use of Force specifically designated as a Critical Incident by the Police Chief or his/her designee, on a case by case basis * In-Custody Death (Special Reporting Circumstance)
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5. **GENERAL POLICY**

A. **Use of Force**

- (1) This section outlines the Phoenix Police Department's general policies relating to the use of force. These provide the foundation for the more specific policies governing the application, reporting, investigation, and review of force. The Department recognizes that employees will face unique and challenging circumstances not specifically addressed in this policy. Employees are expected to apply these policies reasonably in unanticipated situations.
- (2) It is the policy of the Phoenix Police Department to hold in the highest regard the dignity and liberty of all persons. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances, where lesser means of force have failed or could not be reasonably considered.
- (3) The proper use of force is essential for ensuring impartial policing and for building trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by police employees through the use of force, employees must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.
- (4) Aspects of this policy are deliberately stricter than the standards established by the U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989).

B. **De-Escalation**

- (1) The overall goal of this policy is to promote peaceful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the Totality of the Circumstances present at the time of the incident.
- (2) De-Escalation tactics and techniques are actions used by employees, when safe and feasible without compromising the safety priorities. They seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. Tactics and Techniques are identified in [Operations Order 1.5.01 Force Response Options](#).
- (3) Critical Thinking
 - (a) Employees will use a critical thinking and decision-making framework when time allows, to analyze and respond to incidents; this framework will help employees to stabilize a situation by:
 - Continuous Assessment of the situation, threats, and risks
 - Gathering relevant facts about the incident
 - Considering police powers and PPD policy
 - Identifying options and determining the best course of action in the interests of the Department and the community
 - Acting, reviewing, and re-assessing the situation

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5. C. Restrained Persons

- (4) Employees shall not use force against persons who are handcuffed or otherwise restrained, except when reasonable under the Totality of the Circumstances.
 - Exceptional circumstances may include, but are not limited to, force to prevent injury to officers, the subject, or a third party; to secure or maintain control of combative or resistive subjects; or to prevent escape of a person in custody; etc.
- (5) Arrest tactics often involve placing a subject on the ground. Restrained persons will be placed into a recovery position as soon as practicable (moved onto their side, sitting, kneeling, or standing position) to reduce the risk of the potential for positional asphyxiation.
 - Employees will be reasonably attentive to environmental conditions, extreme temperatures, surface heat, etc. when placing a person on the ground, against vehicles, or other surfaces. When safe and feasible, employees will promptly move subjects to temperature safe locations during detention, arrest, or while in custody.
- (6) Employees will monitor the consciousness and breathing of restrained persons and request medical assistance immediately when prudent or necessary.

D. Use of Deadly Force

- (1) Deadly force may only be used in circumstances where a threat of death or serious physical injury to the employee or others is imminent. A danger is imminent when an objectively reasonable employee would believe that each of the following apply:
 - i. A suspect is acting or threatening to cause death or serious physical injury to the employee or others.
 - ii. The suspect has the means or instrumentalities to do so.
 - iii. The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.
- (2) De-escalation options have been tried, have failed, or are determined to have not been feasible based on the Totality of the Circumstances.
- (3) Prior to the decision to employ Deadly Force, employees should consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.
- (4) If time, safety, and circumstances permit, employees have identified themselves as law enforcement officers, have stated their intention to use Deadly Force, and have given the person a reasonable opportunity to comply voluntarily.
- (5) An employee may use Deadly Force to prevent the escape of a fleeing person if force is justified and no reasonable force alternative exists, provided that each of the following apply:
 - (a) There is probable cause to believe that the person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death.
 - (b) The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the employee or another unless the person is apprehended without delay.

E. Restrictions on the Use of Deadly Force

- (1) Deadly Force shall not be used to subdue persons whose conduct is a threat only to property.

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5. E. (2) Deadly Force shall not be used against persons whose conduct is a threat only to themselves.

(3) Indiscriminately firing into crowds is prohibited.

(a) The use of warning shots is prohibited.

(b) **The following are prohibited** unless the use of Deadly Force is justified, and no reasonable alternatives exist:

- i. Discharge of a firearm at a person;
- ii. Intentional strikes to a person's head with an Improvised Impact Weapon or against a hard, fixed object including, but not limited to, a roadway, concrete floor, or wall;
- iii. Use of a firearm or less-lethal launcher as an improvised impact;

EXCEPTION: Weapon / System retention techniques taught by the Department's proficiency skills instructors to counter a person's attempts to gain control of an officer's weapon or less-lethal launcher

- iv. Kneeing or kicking a person's head or neck when the person is in a defenseless position;
- v. Application of the Carotid Control Technique or any Chokeholds;
- vi. Use of 40mm High Velocity (HV) Direct Impact Munition within 10 yards
- vii. Intentional use of Direct Impact Munitions to non-target areas (e.g. head, chest, spine, and neck)
- viii. The intentional use of a police vehicle against a subject on foot or on a bicycle; and
- ix. The deliberate collision with other vehicles or use of a police vehicle to force any vehicle off the roadway

EXCEPTION: Employees "pinning" a vehicle as part of a planned tactical event.

EXCEPTION: Employees trained and authorized in vehicle interdiction techniques.

x. Employees shall not fire any weapon from or at a moving vehicle, except:

- * To counter an immediate threat of death or Serious Physical Injury to an employee or another person, by a person in the vehicle using means other than the vehicle itself (e.g., firearms).
- * To counter a situation where an employee or another person is unavoidably in the path of the vehicle and cannot move to safety.

NOTE: If possible, employees shall not position themselves in the path of a moving vehicle or one capable of immediate movement so that the employee avoids creating a situation in which they may have no option other than to use Deadly Force.

6. **REQUIRED ACTIONS**

A. **Duty to Intervene**

- (1) All employees shall intervene, with no fear of retaliation, when they know or should know another employee is using unreasonable force or is otherwise engaging in abusive behavior or misconduct. See [Operations Order 1.6.00, Duty to Intervene](#).

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B. Duty to Provide Medical Assistance

- (1) In keeping with the safety priorities, as soon as practicable after any use of force incident, employees are responsible for requesting medical treatment for injured subjects and rendering aid consistent with the employee's training. Any time there is an injury, or an alleged injury, as a result of force used by Department personnel, **employees will:**
 - Evaluate the person claiming injury and render first aid, if necessary
 - Request medical personnel to respond to the scene, if appropriate
 - Notify a supervisor as soon as practicable
- (2) Employees who are directly involved in a use of force on a subject will be relieved, as soon as practical, by another officer not directly involved in the use of force incident, for the care and custody of the subject.

C. Use of Force Reporting and General Principles

- (1) Review of all uses of force is a critical priority of the Department. By dynamically analyzing tactics, training, policies, processes and procedures, the Department learns important lessons from every significant use-of-force incident.
- (2) Each level of review is expected to have a sufficient number of personnel trained in the review process to sustain the review process in a timely manner. In the case of absences from work, the reviewer or his or her designee will assign another supervisor to complete the review of the use-of-force report.

Last Organizational Review: