

An officer who uses force on a person whether on or off duty will notify his/her immediate supervisor at once. If the immediate supervisor is unavailable, the officer will notify the on-duty patrol supervisor.

Once notified, if the supervisor has a concern that a complaint concerning officer conduct involving the use of force may be filed, the supervisor will immediately notify a commander. The commander will determine whether to require a written report or to refer the incident to the Department's Internal Investigation process.

Officers will document the use of force on the Department Case Report (hereafter referred to as the "report"). The purpose of the report is to immediately document the use of force so that, should any questions arise, the facts will be available. The report will also be used to assist in identifying training and equipment needs.

The number of reports which exist concerning an officer's permissible use of force will not be used in evaluating the officer's performance or as the basis for disciplinary action. Any use of force which is in accordance with this procedure is permissible, regardless of its frequency.

Not every touching by an officer constitutes a use of force requiring notification and reporting. Decisions regarding what force requires notification and reporting will be guided by this policy, and questions regarding reporting shall be addressed to the supervisor of the officer.

The Use of force requires notification and reporting when:

- ❖ Physical force, except *de minimis* force, is used
 - *De minimis* force is defined as a physical interaction meant to separate, guide, and/or control without the use of formal control techniques, or other techniques that are intended to, or reasonably likely to, cause any pain or injury.
- ❖ A person upon whom force was used dies as a result of injuries sustained, shows any visible or apparent injury, or states that he or she has been injured
- ❖ Any object, including a hand, fist, foot, flashlight, special weapon or impact device, is used to strike a blow to a person
- ❖ Any chemical agent, including pepper spray, is used on a person
- ❖ A firearm is pointed directly at a person in an effort to gain control over that person
- ❖ An officer draws a firearm in a high risk entry/stop and no one is arrested
- ❖ A weapon is used to gain control over a juvenile
- ❖ A report is required by a supervisor

Use of force will be reported by the involved officer(s) before leaving "on-duty" status unless directed otherwise by the on-duty supervisor.

The report will include all relevant facts and circumstances surrounding the use of physical force and the object, device or weapon used. The report will contain:

- ❖ Names of involved officers
- ❖ Names and descriptions of persons and witnesses involved

- ❖ Description of any weapons and physical force used by subject(s)
- ❖ Description of the force used by the officer. Use of "jargon" and/or abbreviated titles for various police techniques is to be avoided
- ❖ Description of all visible, apparent or claimed injuries
- ❖ Description of medical treatment that was offered/received, who provided treatment, or if treatment was refused
- ❖ For VNR use, also reference Neck Restraint Holds (1.00.050)

Photographs of injuries and/or area of alleged injury will be taken with the consent of the person claiming to be injured. Whether force is used or not, a visible or apparent injury or a claim of injury made by a person who has been arrested or detained by an officer will be reported in accordance with this policy. Officers with visible or apparent injuries will also be photographed and their injuries noted in the report. Officers will notify their supervisor of any injury and seek appropriate medical care and/or first aid and complete all necessary workers compensation reports.

The completed report will be forwarded to the officer's supervisor for review and approval. If there are no supervisory concerns with the use of force, no further action is required. If the use of force is of supervisory concern, the supervisor will discuss the concern with his/her commander. The commander will decide the appropriate action.

All reports containing use of force information will be forwarded to the Chief of Police via the chain-of command and to the Personnel Services Unit following review, with the following exception. Use of force reports related to the use of a K9 will be reviewed by the Commander of the K9 unit and kept on file with the K9 Sergeant.

The Personnel Services Unit is responsible for use of force data collection, review of tactics, annual Use of Force Analysis and equipment for each use of force report other than K-9.

Report copies will not be retained any longer than reasonably necessary to complete the Personnel Services and chain-of-command review.

Deadly Force Reporting Exceptions

Officers are required to notify and report the use of deadly force in accordance with this **Use of Force Reporting** policy except in the following circumstances:

- ❖ When an officer uses deadly force which results in injury or death of a person, or discharges a firearm at a person in which no injury occurs, the officer will not be immediately required to make a written or recorded statement without first having the opportunity to consult with their Union/Guild attorney.
- ❖ Until the applicable provisions of the policy on **Critical Incident Response** (1.00.100) have been met.

In no event will a written or recorded statement be taken from an officer who has used deadly force without the authorization of the Chief of Police or the Chief's designee.

The on-scene supervisor and on-scene commander will complete a detailed report prior to leaving "on-duty" status and submit it via the chain of command to the Chief of Police.