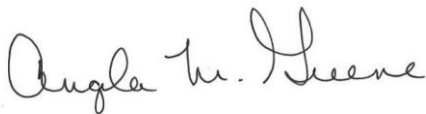
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 3.05
		Original Issue Date 01/06/2024	Reissue/Effective Date 05/08/2025
Order Title: REPORTING AND INVESTIGATING FORCE	CALEA Accreditation Standard: 4.1.5; 4.2.1; 4.2.2; 4.2.4; 4.2.5 VLEPSC: ADM 05.03	Section 3	
	Rescinds: ADM 05		
	Section Title: RULES OF CONDUCT		
		 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order 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 General Order 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 Lexington Police Department officers and their supervisors with guidelines for reporting and investigating use of force incidents.

II. POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the Lexington Police Department (“Department”), as well as the jurisdiction that provides this authority. To protect citizens and employees, the Lexington Police Department is committed to documenting and investigating all use of force incidents. As such, it is this Department’s 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, shall not be allowed to conduct the review/investigation.

III. DEFINITIONS

Critical Firearm Discharge: When an officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.

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 shall only be used in accordance with the law.

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.

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 discharge of a firearm, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. 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 or protect the officer or other person.

Harm: Injury inflicted upon a person, whether visible or not.

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 such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Non-Deadly force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

Reportable Use of Force: All force used above non-resistant compliant handcuffing, with the exception of an incident involving drawing a firearm at low ready position, which, in itself, is not considered to be reportable. Handcuffing individuals to objects is a reportable use of force.

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 in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.

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.

Serious Use of Force: Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray or electronic control weapon against a restrained person.

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 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.

Supervisor: A supervisor includes personnel at the rank of Sergeant and above who are assigned responsibility for supervising officers of a lower rank.

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. PROCEDURE

A. Responsibility for Reporting

1. Officers shall, as soon as possible, notify their shift supervisor of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer's shift.
2. Officers shall immediately notify their shift supervisor following any Level 2, or 3 Reportable use of force.
3. Officers shall complete a [Response to Resistance Form](#) and case report immediately following all reportable uses of force.
4. The completed [Response to Resistance Form](#) shall be submitted to the shift 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 and any actions taken that results in, or is alleged to have resulted in, injury or death of another person. The following additional procedures shall apply:
 - a. Each officer who uses force shall submit a separate written [Response to Resistance Form](#) and case 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 shall advise a shift supervisor, or appropriate commanding officer, and shall submit required reports.

- c. If an officer uses force on more than one subject during the same event, the officer shall complete one [*Response to Resistance Form*](#).
 - d. If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible, by the end of that tour of duty.
 - e. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).
- 5. All use of force reports shall 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.
 - 6. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
 - 7. Shift supervisors shall investigate and report any reportable use of force as directed in [Section D](#) of this policy.
 - 8. Any officer(s) who engages in or witnesses a reportable use of force but fails to notify a shift supervisor and/or fails to complete the form as outlined by this policy, shall be subject to disciplinary action.
 - 9. 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 shall not be allowed to conduct the investigation.
 - 10. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor so that they may document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.

B. Force Levels

1. Level 1

- a. A firearm is intentionally pointed at a person;
- b. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab); or

c. A weaponless defense technique control hold is applied:

1. Escort (elbow);
2. Twist lock;
3. Arm-bar; or
4. Bent-wrist.

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

2. Level 2

a. Chemical agent is applied to a person.

b. The use of an ECW involving any of the following circumstances:

1. When one or more probes impacts or penetrates the subject's clothing or skin;
2. When the push stun arc touches the subject's clothing or skin; or
3. An ECW 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:

1. Hand/palm/elbow strikes;
2. Kicks;
3. Leg sweeps; and
4. 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.
- j. Any use of force which results in, or alleged to have resulted in, injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

3. 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.
- f. Chokehold or neck restraint is applied.
- g. Any application of deadly force as defined by Lexington Police Department policies. (See General Order [3.01: Use of Force – General](#))
- h. Any use of force investigation that is elevated to a Level 3 by a Sergeant or other supervisory personnel.

C. Referral/Transport for Medical Attention

- 1. Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.
- 2. A suspect shall 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 ECW application;
 - e. Is struck with any non-lethal weapon projectile such as an ECW dart, bean bags, pepper ball, or stingball; or
 - f. Is bitten by a police canine.
3. An injured prisoner shall 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 shall be documented and verified by the officer and attending physician or qualified health care provider.

D. Supervisory Responsibilities

1. General

- a. The Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force.
- b. The supervisor, after being notified of a Level 3 Officer Involved Shooting, shall follow the procedures set forth in General Order [3.10: Officer Involved Shooting](#).
- c. While at the scene of a Level 2 or 3 use of force, the supervisor shall 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 shall be taken even when there are no signs of injury.
- e. The Supervisor shall, within a reasonable amount of time after being notified of a reportable use of force, obtain a case number from Dispatch.

2. Level 1 Use of Force

- a. When notified of a Level 1 use of force, the shift supervisor shall do the following:
 - 1) Document and review the officers [*Response to Resistance Form*](#);
 - 2) Obtain, review, and sign the completed Response to Resistance Form and case incident form from each officer prior to the end of the tour of duty;
 - 3) Evaluate the basis for the use of force and determine whether the officer's actions were within Department policies; and
 - 4) Forward a copy of the signed completed [*Response to Resistance Form*](#) to the Lieutenant prior to the end of the tour of duty.
- b. The Lieutenant shall review the [*Response to Resistance Form*](#), case reports and the supervisor's findings and:
 - (1) If necessary, return the report to the shift supervisor to correct any identified deficiencies; or
 - (2) Approve the report and forward to the Lieutenant for review. Following the approval of the Lieutenant the report will be forwarded to the Chief for filing within 15 calendar days.
- c. The Chief may in his or her 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 will respond to the scene on a priority basis and shall do the following:
 - 1) Document, as necessary, the scene of the incident;
 - 2) Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;
 - 3) Collect or cause to be collected all evidence of use of force;

- 4) Identify and interview witnesses other than officers as appropriate;
 - 5) Obtain, review, and sign the completed Response to Resistance Form and case incident report from each officer s prior to the end of the tour of duty;
 - 6) Summarize their investigation and findings.
 - 7) Forward a copy of the signed completed [*Response to Resistance Form*](#) to the Chief of Police or designee prior to the end of the tour of duty; and
- b. The Chief of Police shall review a supervisor's Level 2 reports/reviews within thirty (30) calendar days.
 - c. The Chief of Police shall review all Level 2 Use of Force Investigations and findings made by the supervisor.

4. Level 3 Use of Force

- a. In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall:
 - 1) Immediately respond to and secure the scene;
 - 2) Insure that officers and citizens receive appropriate medical attention;
 - 3) Notify the dispatch that an officer has been involved in a confirmed Level 3 use of force;
 - 4) Document, as necessary, the scene of the incident;
 - 5) Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
 - 6) Identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units; and
 - 7) As soon as possible, secure the weapon(s) used by the involved officer(s).
- b. Dispatch will immediately notify the Chief of Police. The Chief of Police 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, shall follow the procedures set forth in General Order [3.10: Officer Involved Shooting](#).

E. Lieutenant

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 [Response to Resistance Forms](#) and accompanying paperwork were submitted within the specified timelines;
 - b. Ensure that the [Response to Resistance Forms](#) and accompanying paperwork were reviewed and signed 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.
 - 1) Where there are discrepancies between the reports, or the Supervisor determines that further investigation is required, he/she shall 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 Lieutenant shall submit findings and conclusions to the Chief within fifteen (15) working days after receipt of the investigative case file from the investigating supervisor.
5. The Chief shall 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.

F. Use of Force Review Board

1. Following the Lieutenant's review of Use of Force Incidents, the investigation findings will be forwarded to the Use of Force Review Board.
2. The Use of Force Review Board will review all incidents involving use of force. This includes those situations when the use of force by an officer results in very serious injury or death to another.
3. The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, recreational use, or use to humanely destroy an injured animal.
4. The Chief of Police will convene the Use of Force Review Board as necessary.
5. A Use of Force Board will be appointed by the Chief of Police through an Administrative Order. The Administrative Order will name the specific persons appointed and their representative titles and will suspend board action until the relevant case reviews have been completed. The board will generally include the following members:
 - a. The involved employee(s) direct supervisor (unless they are involved in the incident)
 - b. A peer officer/department member
 - c. Department instructor for the type of weapon, device or technique used or has expertise in the area of force application.
 - d. A member of the Chief's advisory committee

6. The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.
7. The board does not have the authority to recommend discipline.
8. The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action.
9. The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.
10. The board shall make one of the following recommended findings:
 - a. The members' actions were within department policy and procedure.
 - b. The members' actions were in violation of department policy and procedure.
11. A recommended finding requires a majority vote of the board. The board chairperson will submit the written recommendation to the Chief of Police.
12. The Chief of Police shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member's Lieutenant or Sergeant for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.
13. At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

G. Raid and Warrant Situations

1. Each officer who uses force will fill out a separate reportable 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 [*Response to Resistance Form*](#).

- b. The use of force investigations shall be conducted in accordance with and pursuant to applicable Department policies.

G. Training

1. The Department shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Department policy. The Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

H. Annual Report Analysis

The Lieutenant is responsible for conducting an annual analysis of all use of force reports and providing the Chief of Police and all operational units with report findings. At a minimum, the analysis will identify the following factors:

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

I. Annual Analysis of Assaults on Sworn Officers

In conjunction with the Annual Analysis of Use of Force Reports for the previous calendar year, the Chief or designee shall conduct an annual analysis of all assaults on sworn officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy or address training issues; all predicated upon real data from field-based incidents. Criteria to be analyzed shall include:

1. date and time of incident;
2. summary of the incident;
3. race, gender and age of subject(s) involved;
4. officer(s) involved;
5. type of initial call;
6. presence of multiple officers;
7. prior history of arrestee;
8. injuries sustained by officer and or subject, including medical treatment received;

9. type of assault sustained (weapons, fists, foreign objects, etc.)
10. type of force used by officers