

**KILLEEN POLICE DEPARTMENT
GENERAL ORDERS, POLICIES AND PROCEDURES**

Part B – Enforcement Operations

Document Title: Use of Force

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.01 Purpose

This document establishes department policy and procedure regarding the Killeen Police Department employees' use of force.

.02 Definitions

4.1.2

- A. **Active Resistance** – Subjects actively resist when they take action to defeat an officer's ability to take them into custody by directing force against an officer
- B. **Deadly force** - force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.
- C. **Drive-stun** - Using the TASER as a pain compliance tool after removing the cartridge.
- D. **Drive-stun follow-up** - Using the TASER after deployment when only one probe hits (to complete the circuit).
- E. **Passive Resistance** - resistance to authority using only nonviolent methods such as peaceful demonstration or noncooperation.
- F. **Reasonable or Necessary Force** - the amount of lawful physical coercion sufficient to achieve a legitimate law enforcement objective and is objectively reasonable under the facts, circumstances and alternatives confronting an officer at the time action is taken.
- G. **Reasonable Belief** - a belief that would be held by an ordinary and prudent person in the same circumstances as the actor.
- H. **Secondary impact** - when deployment of a less lethal weapon leads to an impact with the ground, floor, or some other fixed object. For example, deployment of TASER causes a disruption of the muscles, putting the subject into an uncontrolled fall.
- I. **Serious bodily injury/harm** - bodily injury that creates a substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- J. **Weapon of Opportunity** – any item the employee has in his hand, or that is readily accessible, in situations that would not permit the employee to use standard less than lethal or lethal weapons.

.03 Department Philosophy

- A. The sanctity of human life and individual liberties are immeasurable elements of modern society which vests police officers with the responsibility for the preservation and protection of its paramount values. In the pursuit of this responsibility, employees maintain the understanding that protection of property and apprehension of criminal offenders is subservient to the protection of life, including their own.
- B. In the course of discharging their duty, Police Officers and Jailers are often confronted with situations requiring some degree of force to be exercised in order to effectively maintain public order and safety. This may be achieved on an ascending scale of the officer's presence, verbal communications, open/empty hands control, physical force, intermediate weapon and deadly force, according to and proportional with the circumstances of the situation. The application of force must be conducted in a manner reasonable and commensurate to achieving a level of control that cannot otherwise be obtained through the use of other alternatives.
- C. Employees shall use de-escalation techniques whenever possible and appropriate, before resorting to force and to reduce the need for force. De-escalation techniques may include verbal persuasion, warning and tactical de-escalation techniques, such as slowing down the

pace of an incident, waiting out people, creating distance between the employee and the threat, if possible, and requesting additional resources to resolve the incident.

- D. DUTY TO INTERVENE: Any employee present and observing another employee using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of excessive force. Employees shall promptly report those observations to a supervisor.
1. Any employee that intercedes under the duty to intervene must also complete a memorandum to the Chief of Police before the end of their duty day. The memorandum must contain the circumstances that required the employee to intervene.
 2. The employee must include this information in a supplemental report.

.04 Statement of Policy

- A. Only weapons authorized by the Chief of Police shall be carried or used by Police Officers while on duty. Sworn personnel, lieutenant and below, assigned to the Patrol Division shall be trained in the use of and carry the following less than lethal force options:
1. Oleoresin Capsicum (O.C.) Spray
 2. TASER
 3. Baton
- B. All personnel prior to being authorized to carry lethal and less lethal weapons, will receive a copy of and be instructed in the use of force policy and rendering aid after use of weapons. **4.3.4**
- C. Although law and departmental policy permit the physical use of force, the use of unnecessary or unreasonable force will not be tolerated. The use of unnecessary or unreasonable force is contrary to law and is prohibited by this order. It places the representative government agency in a position of civil liability and it places the employee in jeopardy of civil and criminal liability.
- D. Under no circumstance will the Use of Force be greater than that which is reasonable to accomplish the employee's lawful duty. Employees shall respond with the least amount of force exceeding the resistance, which is reasonably necessary to overcome the resistance and quickly bring a subject or incident under control, while protecting the life, health, and property of the employee or others. In no instance will deadly force be used except in accordance with this policy. **4.1.1**
- E. Before responding to any resistance with reasonable force, officers shall identify themselves as police officers and state their purpose to the offender and others immediately present, unless they reasonably believe their purposes and identities are already known or due to the situation the statement cannot reasonably be made known.
- F. The use of chemical, impact, or electronic weapons on persons in handcuffs will be permitted only in extreme circumstances.
- G. The policy of this department permits deadly force to be used where an employee is authorized to use force in accordance with Texas Penal Code Chapter 9 (Justification Excluding Criminal Responsibility); however, the amount and degree of force which may be employed is determined by the surrounding circumstances **4.1.2**
- H. Under normal circumstances, only the methods listed below may be used to respond to resistance. These methods are listed in ascending order from the least intrusive to the most intrusive. Generally, an Officer or Jailer is responsible to first exhaust a lesser force before escalating to higher levels of force in this continuum. However, this does not prohibit an Officer or Jailer from making an informed decision to escalate to higher levels of force by "skipping" a step(s), if in light of the totality of the circumstances, he reasonably believes it is necessary in order to protect health or life of the employee or another individual. By way of illustration, some of the circumstances that could be considered in the decision to omit a step(s) or escalate the force used include, but are not limited to;
1. Nature of offense; behavior of the subject;
 2. Difference in age, size, or physical conditioning of the employee and subject;

3. Number of subjects or officers present;
 4. Display of or observable availability of weapons to subject;
 5. Lack of cover or backup officers;
 6. Physically weakened or compromised condition of the employee (e.g., injured or winded); presence of a threatening or hostile crowd;
 7. Physical proximity of subject to the employee or bystanders that may limit deployment of a particular force option.
- I. The policy of this department specifically forbids:
1. Using deadly force in cases of criminal mischief, evading arrest or escape from custody unless the employee or others are in imminent danger of death or serious bodily injury.
 2. Firing at a fleeing or stolen vehicle unless an occupant of the vehicle is using or attempting to use deadly force on an officer or other person and return fire by the officer would not present a danger to innocent bystanders.
 3. Firing "warning shots." **4.1.3**
 4. Shooting of animals, fowl, or other objects unless officers, persons, or other animals are in imminent danger of death or serious bodily injury, or unless otherwise authorized by an on-duty Supervisor.
 5. Using a carotid hold or choke hold unless the employee is in an extreme situation where he or another is in imminent danger of serious bodily injury or death and the use of any deadly force would be justified. It will not be used to merely subdue or control uncooperative prisoners or citizens.
 6. Using a weapon, baton, flashlight, or similar hard object to strike a person's head, unless an employee is in an extreme situation where he or another is in imminent danger of serious bodily injury or death, and deadly force would be warranted and justified.
 7. Firing into buildings or other places where subjects are suspected of hiding. The only exception to this will be in those instances where there is no doubt of the subject's location and when deadly force or intended deadly force is being, or has been, directed from that subject at the officer or others. However, an officer must consider if returning fire would constitute an unacceptable risk to innocent bystanders under all the circumstances. SWAT responses to hostage situations may involve reasonable risk to the hostage to successfully terminate the incident.
 8. The intentional use of a police vehicle to ram, or to otherwise collide with, or to block the path of a suspect's vehicle in such a manner as to force a collision, except when performed by members of TRU in accordance with their training.
 9. The use of a less lethal instrument or any pain compliance technique as a punishment device.
- J. Requesting Medical Treatment 4.1.5
1. It is the responsibility of each member of this department to ensure that anytime a physical use of force is utilized, either intentionally or unintentionally, proper care of the recipient is requested and administered in the most expeditious manner if the action results in injury.
 2. Appropriate medical aid may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life-threatening incidents, immediate aid by medical professionals.
 3. Any time an employee has to physically respond to resistance, and the use of force results in a **loss of consciousness**, obvious bodily injury or an apparent injury that would require medical attention, the employee will either request EMS to treat the person, or will transport the person to an appropriate medical facility for treatment.
 4. When applying use of force tactics, if the person to be taken into custody complains of the inability to inhale or exhale, the officer or employee, when safe and practical, will immediately render first aid to assist the individual.
- K. Training **4.1.2, 4.3.2**

1. Only those employees who demonstrate proficiency in the use of agency-authorized weapons will be approved to carry such weapons. Weapons will only be utilized in compliance with Department training and certification standards.
2. Employees will receive annual training on this Use of Force policy. Training shall include the authorized use of deadly force and a review of the definition of terms in section .02 Definitions.
3. Employees who are authorized to use weaponless control techniques and to carry less lethal weapons will receive related training biennially. Exception: employees authorized to carry Tasers shall receive annual training and demonstrate proficiency annually.

.05 Using Less Lethal Instruments**4.1.4**

- A. Less than lethal instruments may be used against a subject;
 1. To subdue a violently resisting subject;
 2. In self-defense;
 3. In defense of a third party;
 4. If lesser methods have failed or their use would be impractical; or
 5. If circumstances warrant their immediate use.
- B. Batons - An Officer must have satisfactorily completed the prescribed training to be certified to carry or use a baton. Recertification will be required every two (2) years. **4.3.1**
 1. The baton may be used as a striking device:
 2. The following applies to any baton approved for use with this department:
 - a. Blows with the baton capable of inflicting permanent injury should be avoided.
 - b. The baton is not designed to be used as a club or bludgeon. Strikes to the head with the baton should be avoided whenever possible due to the possibility that death or serious injury could result from such strikes.
 - c. Blows should not be delivered by a baton unless the possible injury inflicted by such would be justified by law, this policy, and training.
 - d. No officer will throw a baton at anyone unless the possible injury inflicted by such a response would be justified by law, this policy, and training.
- C. Chemicals – Oleoresin Capsicum (O.C.), is the authorized chemical agent for use by Police Officers and Jailers who have satisfactorily completed training to be certified to carry or use it. Employees shall be re-certified every two (2) years **4.3.1**
 1. After use of O.C., it is the responsibility of employees at the scene to:
 - a. Give verbal commands and instructions to the subject about the effects of O.C. and the necessity of compliance in order to receive aid;
 - b. Provide aid to the subject, if rendered non-combative: **4.1.5**
 - (i) Allowing fresh air to the subject's face; and,
 - (ii) When available, providing water or cleanser to flush eyes and face.
 - c. Monitor the subject at ALL TIMES, both at the scene and during transport.
 - d. A prisoner who has been sprayed with O.C. SHALL NOT be hog tied under any circumstance.
 - e. Other than for a brief moment during handcuffing, a prisoner shall not be placed face down on any seat, floor, or ground before or during transport due to the risk of positional asphyxiation.
 - f. Transport subject from the scene to PD as soon as reasonably possible.
 2. At the jail, it is the joint and individual responsibility of the transporting Officer, Booking Officer and Jailer to ensure the following occurs for every prisoner sprayed with O.C.: **4.1.5**
 - a. Continue giving verbal commands and instructions about the effects of O.C. and the necessity of cooperation in order to receive further treatment.
 - b. If the subject is cooperative and non-combative, officers shall not unduly delay allowing the subject an opportunity to wash his face, head, hair, and

- outer clothing in the detention area. If the subject is wearing contact lenses, have him remove lenses and flush eyes and lenses. A reasonable attempt or offer of water for the eyes shall be made. During decontamination, the prisoner shall be under continual visual observation.
- c. If the prisoner has been uncooperative and becomes cooperative, he/she shall then be afforded the opportunity for decontamination as soon as practical based on staffing in the jail and the safety of all parties involved.
 - d. Visually monitor subject at ALL TIMES until effects of O.C. have cleared, or for at least one-hour post exposure.
 - e. If the significant effects are prolonged (more than 45 minutes) or the subject complains of (or exhibits) severe respiratory problems, an immediate request for medical attention will be made.
 - f. A prisoner sprayed with O.C. shall not be placed in a dorm or cell with other prisoners until he/she has recovered from the debilitating effects of O.C. However, a recovering prisoner is allowed to be near other prisoners while seated or standing in the booking area.
 - g. If a prisoner who has been sprayed with O.C. is still combative or physically uncooperative in the jail, he/she shall be kept in isolation from other prisoners. The decontamination shall not be performed until the subject becomes cooperative or the decontamination can be done safely without undue risk of injury to the subject, Jailers, or Officers. However, all other rules pertaining to O.C. sprayed prisoners shall continue in effect (i.e., continual visual observation, no hog-tying, no lying on stomach while handcuffed). **4.1.5**
- D. Chemical Devices used by supervisors - Chemical agents and high-volume disbursement devices may be made available to supervisors for usage in the disbursement of large-scale disturbances. These devices will be for emergencies where time does not permit the activation of a specialized unit to handle the disturbance.
- E. Use of Electronic Weapons
1. An electronic weapon is a less lethal electronic shocking device. Its use is not likely to cause injury, but does constitute a use of force, and it may not be used unless the force is justified. **4.3.1**
 2. Officers/Jailers must receive training in the use of the TASER before they are authorized to carry or use the device. The initial training course will be a minimum eight-hour block of instruction. An annual minimum four-hour block of instruction must be completed to continue to carry the device after initial training. **4.3.3**
 3. The target area for the TASER is the lower torso. When possible, the TASER will be deployed at the back of the intended target. Under no circumstances will the TASER be intentionally aimed at the head, neck or groin of an intended subject.
 4. No more than one Officer/Jailer should deploy the TASER device against a single individual at any time.
 5. Once deployed, the Officer/Jailer will continue to give verbal commands to the intended subject to stop resisting.
 6. When possible, the Officer/Jailer will maintain control of the TASER while other Officers/Jailers handcuff the intended subject. Handcuffing will be accomplished in accordance with departmental training and established handcuffing policy.
 7. After deployment of the TASER, remove the Taser prongs at the earliest opportunity.
 - a. The TASER prongs should be treated as biological hazard and disposed of accordingly. Only trained medical personnel (EMS, emergency room personnel) shall remove Taser prongs that have struck the face, groin or female breast. **4.1.5**
 - b. Photograph both areas of the body contacted by the TASER prongs and include those photographs as part of an official police report related to the incident. If the area of the body contacted includes the groin or female

- breasts and the person alleges injury, the area will be photographed by a person of the same gender.
- c. An official police report shall be initiated detailing the circumstances around the deployment of the TASER. This report should include the serial number of the deployed cartridge, details of any injuries sustained as a result of the deployment of the TASER, and medical treatment given to the arrestee after the deployment. The officer shall download the data from the Taser and attached it to the report.
 - d. Emergency Medical Services shall be called to provide medical treatment to persons who display unusual physical distress, are pregnant, elderly or persons who request it. **4.1.5**
8. After the deployment of the TASER, other than for a brief moment during handcuffing, a prisoner shall not be hog tied, placed face down on any seat, floor, or ground before or during transport due to the risk of positional asphyxiation. **4.1.5**
9. Drive-stun. The TASER may be used as a pain compliance tool when the officer is justified to use pain compliance according to this policy (light subject control).
- a. When using the TASER in the drive-stun mode, the Officer should remove the cartridge;
 - b. For maximum effectiveness, drive the ECD into certain pressure points (large muscle groups);
 - c. Avoid the trachea and back of the neck, if possible, as the trachea is soft tissue and could easily be crushed and the cervical portion of the spine is very sensitive to pressure. Officers should also attempt to avoid applying a drive-stun to the pelvic triangle.
 - d. The drive-stun should only be used to help gain control of the subject. Once compliance is achieved, the drive-stun should be stopped.
10. Drive-stun follow-up should be used when only one probe hits. If only one probe impacts the subject, a drive stun with the cartridge still attached can act as the second probe and complete the circuit to cause Neuro-Muscular Incapacitation (NMI).
11. Prior to an Officer/Jailer deploying the TASER, the Officer/Jailer should be aware of secondary impact and take great care to be aware of the area where the intended target is likely to fall when struck by the prongs. These danger areas include any area that is above ground level such as roofs, trees and any level on a structure that is above ground floor where the subject may fall.
12. The TASER will not be fired (shooting a cartridge to cause NMI):
- a. Against suicidal subjects who are threatening suicide with any type of flammable liquid;
 - b. Against women known to be pregnant, unless the subject poses a violent threat to the officer through physical conduct and cannot otherwise be controlled by lesser means;
 - c. Against persons with operational control of a vehicle or other potentially dangerous machinery;
 - d. After deploying any type of OC pepper spray that is alcohol-based;
 - e. Against individuals who are defying arrest through passive resistance only, and do not pose a potential threat to the officer or other third parties;
 - f. Against a handcuffed person to force compliance, unless the subject poses a violent threat to the officer through physical conduct and cannot otherwise be controlled by lesser means.
13. Officers/Jailers may use the drive-stun mode of the Taser (after removing the cartridge) when pain compliance methods (light subject control) are authorized by this policy.
14. Only the minimum amount of conducted energy necessary to safely arrest the intended subject will be used.
15. The TASER and holster shall be worn on the officer's support side (opposite side of handgun) in a crossdraw fashion.

16. Officers shall not make any unauthorized modifications to the TASER, TASER cartridge, or TASER holster.
 17. The TASER should not be fired near flammable liquids and fumes.
- F. Use of Impact Munitions
1. An Officer must have satisfactorily completed the prescribed training to be certified to carry, deploy and use authorized impact munitions. **4.3.1**
 2. Impact munitions are extended range impact weapons designed to temporarily incapacitate non-compliant subjects who are armed with weapons other than firearms or who are exhibiting violent or aggressive behavior.
 3. In riot control, officers may not fire impact munitions indiscriminately into a crowd, but may use area target munitions to clear specific areas or disperse crowds.
 4. Impact munitions should never be used against a subject armed with a firearm or when the subject is an immediate threat to the officer or public. (Exception: personnel assigned to a unit specifically trained and authorized for use in this manner, i.e., SWAT.)
 5. The use of impact munitions is restricted to open or public areas. (Exception: personnel assigned to a unit specifically trained and authorized for use in this manner, i.e., SWAT.)
 6. Officers should remember that the use of impact munitions creates a risk of death or serious injury. **4.1.5**
- G. Patrol Canine Deployment – Deployment Decision
1. Generally, the handler knows the capabilities and limitations of his assigned canine and the decision to deploy the canine to apprehend a suspect rest with the handler and is considered use of force. When the decision to deploy is made, the handler, because of his unique training and knowledge, will determine the method and manner of deployment. Deployment will be in compliance with state laws, department policies and procedures concerning use of force and specifically with General Order B311, Canine Operations. **4.1.5, 4.3.1**

.06 Using Deadly Force

- A. The policy of this department permits the drawing of and/or displaying of firearms when:
1. An officer, in the exercise of sound judgment, has reason to fear for his own personal safety and/or the safety of others (e.g., the search of a building for a burglar, a robbery in progress, conducting certain felony arrests); or
 2. An offender is reasonably suspected of possessing a deadly weapon. The intent of this provision is to permit an officer to protect himself and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.
 3. Whenever an officer draws and/or displays a firearm in the course of carrying out his duties, that fact shall be included in any official report, such as the Arrest Report and Offense Report, resulting from the incident. Where no official report results and a citizen is confronted (weapon pointed in the direction of the citizen), the involved Officer shall type notes in the call clarifying the reasons for drawing and/or displaying the firearm and why no formal police action was taken. Where the weapon is drawn for officer safety reasons and no citizen is confronted, (i.e., building searches on alarm calls) no report needs to be filed.
- B. The policy of this department permits deadly force to be used when an employee is authorized to respond to resistance in accordance with Texas Penal Code Chapter 9 (Justification Excluding Criminal Responsibility). The amount and degree of force, which may be deployed, is determined by the totality of the circumstances and the provisions of this policy.
- C. In a situation requiring lethal force, an officer should fire his weapon in a manner calculated to stop a subject from completing an act which, if completed, will likely result in death or serious injury to the Officer or another. Whenever feasible, if it will not unduly jeopardize

- the safety of the Officer or others, an officer should first identify himself, and demand the subject to stop or surrender,
- D. Examples of when an employee may use deadly force:
1. To defend himself, or another person, from what the officer reasonably perceives as an immediate threat of death or serious injury to another (other than the actor), or
 2. To apprehend a subject known to be armed and dangerous, or
 3. When alternative means of apprehension would involve substantial risk of death or serious injury, and
 4. When the employee's actions will not involve an obvious or unacceptable danger to innocent bystanders.
- E. Examples of principle factors which could make an armed subject so dangerous as to justify the use of deadly force for apprehension would be the following:
1. Dangerous
 - a. The subject has recently shot, shot at, killed, or attempted to kill someone.
 - b. The subject has recently committed a serious assault on a law enforcement Officer acting in the line of duty;
 - c. The subject has declared that he will kill, if necessary, to avoid arrest.
 2. Armed
 - a. The subject must be armed or appear to be capable of inflicting death or serious injury. Obviously, any person armed with a gun fits this description. The dangerousness of a person armed with a knife, axe, or similar weapon will depend on the feasibility of isolating the subject, his proximity to the officer or other persons, or his ability to rapidly come within reach of the officer or other person, or
 - b. Assumed to be armed - An officer must have reasonable cause to believe, rather than merely assume that a subject is armed. It may be assumed that a subject is armed if he has just committed a crime involving the use of a weapon or has just been observed carrying a weapon, and there is no affirmative evidence indicating that he has discarded the weapon.
 3. Other - Use of deadly force in response to apprehension will most often apply in situations involving barricaded subjects or close confrontations between police and subjects. The use of deadly force is authorized against fleeing subjects if all the conditions stated above are met and the subject is so dangerous that any future attempt at apprehension is likely to involve a substantial risk of death or serious injury to civilians or police.
 4. Officers are cautioned in the deployment of less lethal options in any such encounter unless other officers are also present and prepared to respond to the threat with appropriate deadly force if the need arises
- F. Whenever deadly force is used and a person is injured, the officer will as quickly as possible, obtain medical treatment for the subject.

.07 Use of Force Options**1.2.2**

- A. Command Presence - An employee's authoritative presentation of self and assumption of control by posture, body language and uniform.
- B. Verbal force:
1. Use of calm communication skills and persuasion;
 2. Authoritative commands (without obscene, racial, or ethnic terms).
- C. Light subject control:
1. Escort techniques;
 2. Pressure points;
 3. Pain compliance holds;
 4. Physical strength and skill.
 5. TASER Drive-Stun

- D. Oleoresin Capsicum, TASER, or other less lethal devices - Only products issued by the department and approved by the Chief of Police shall be carried by personnel on duty and must be used in compliance with other provisions of this policy.
- E. Empty Hand Impact:
 - 1. Stunning techniques with no baton or other device in the hand;
 - 2. Forcefully placing subject on ground or against another immovable object.
- F. Intermediate Response:
 - 1. Strikes with an authorized police baton which the officer has been certified to carry;
 - 2. Strikes with a weapon of opportunity may be used in the same manner and means as strikes with an authorized baton, if the officer is confronted by a sudden attack under circumstances rendering it unreasonable or impracticable to obtain or use an authorized baton. However, an officer who repeatedly or regularly resorts to weapons of opportunity rather than using authorized devices may be subjected to any or all of the following: remedial training, counseling, disciplinary action up to and including termination.
- G. Authorized chemical devices deployed by supervisors for large scale disturbances.
- H. The Special Weapons and Tactics Team's use of specialized less lethal munitions, chemicals and devices.
- I. Canine Deployment to Apprehend – Deploying a canine for apprehension is a use of force. A canine in this situation is considered a weapon and must comply with B311, Canine Operations.
- J. Lethal Force Options:
 - a. Firearms with which the officer has met department qualification requirements;
 - b. Non-firearm weapons of opportunity employed in a lethal manner.

[*NOTE: When practical to do so, the employee will use the above steps in order of sequence. Any of the above steps may be used by personnel in ANY order, depending on the totality of the circumstances of the confrontation in which the officer is involved.]

.08 Use of Force Reporting

4.2.1

- A. Use of Force reporting is used to identify trends, improve training for safety, and provide timely information for analysis and problem identification.
- B. The Use of Force Reporting form database is contained in the **Blue Team** software program. The program is accessed via password.
 - 1. The sergeant will review all use of force incidents during his daily approval process of all reports. **The sergeant will be responsible for the Use of Force reporting in Blue Team. The sergeant shall indicate whether he believes the level of force to be in compliance with policy and ensure there is sufficient information to document the incident and allow for further review.**
 - 2. The lieutenant is responsible for a second review of the incident.
 - 3. **At any point in the review process, the incident will be referred to Internal Affairs if there is a suspected violation of this policy.**
 - 4. Internal Affairs is responsible for a **final** review of **all** entries.
- C. For purposes of this policy and for reporting purposes, reportable Use of force is defined as *any physical action that causes apparent injury or causes a person to complain of persistent pain or injury.*
- D. A Use of Force Report entry is required:
 - 1. When an officer discharges a firearm for other than training or recreational purposes; **4.2.1 a**
 - 2. When an employee takes action that results in, or is alleged to have resulted in, injury or death of another; **4.2.1 b**
 - 3. Whenever an employee responds to force using lethal or less than lethal weapons regardless of an apparent injury or complaint of pain or injury; or **4.2.1 c**
 - 4. Whenever an employee's use of force with weaponless physical force results in visible injury to the subject or the employee. **4.2.1 d**

5. Displaying an issued weapon or a Canine (involving no physical contact or discharge) does not require a Use of force Report entry.
 6. In compliance with General Order B311 Canine Operations.
 7. A supervisor will respond, when practical, to the scene of these incidents, or other location (i.e., jail, hospital), and immediately conduct an investigation, which may include gathering evidence, locating witnesses and interviewing all parties involved.
- E. When an employee has to physically use force, or when a Use of Force Report entry is required (as above), it will be documented in the Use of Force Report in **Blue Team** with a description of the type of force used (e.g., hands, TASER, impact weapon).
1. The report will state whether the subject was injured and whether medical treatment was administered before incarceration.
 2. If no arrests are made, a Use of Force Report entry will be completed and the type of force documented therein. An incident report with the appropriate incident title will also be completed indicating the type of force used, but the details of its application and results will be confined to the Use of Force Report entry.
 3. For purposes of reporting, the temporary discomfort associated with the initial arrest procedure does not constitute a complaint of injury. Some injuries such as a broken rib or collarbone are not always visible. The determination to fill out a Use of Force Report will be based on a consistent and repetitive complaint of pain beyond the initial arrest procedure, which would lead a reasonable person to conclude that an injury could have occurred.
- F. When a person requires medical treatment because of an employee's use of force,
1. The employee's immediate supervisor will be notified;
 2. A photo of the injury will be taken. The individual taking the photo shall be of the same gender when the injury is at or near the genitals or a woman's breast.
 3. Each employee with knowledge of the incident will write a supplement; and
 4. A copy of the incident will be forwarded to the Internal Affairs Unit.
 - a. The supervisor will ensure that another employee initiates the offense report listing the assaulted employee as the victim.
 - b. If the employee sustained injuries, photos of the injuries will be taken and made a part of the report.
 - c. Whenever an employee of this department is injured or killed, his residence address and telephone number will not be included on the incident report. In any event where this information is a mandatory field the Police Headquarters information will be substituted in place of the employee's personal information.
- G. Review Process – The Internal Affairs Unit is responsible for: **4.2.2**
1. A review of **each** use of force report record entered by reporting supervisors, to ensure completeness and accuracy of the posted information. Any entry found lacking in proper information will be returned to the supervisor responsible for the report for correction.
 2. Annually, the Internal Affairs Unit will review the Use of Force database and compile an analysis of the data into a summary report of the incidents reported by department personnel.
 - a. date and time of incidents;
 - b. types of encounters resulting in use of force;
 - c. trends or patterns related to race, age and gender of subjects involved;
 - d. trends or patterns resulting in injury to any person including employees; and
 - e. impact of findings on policies, practices, equipment and training.

The intent of the review and analysis is to identify trends where policy, training, equipment, or discipline issues may exist that require specific attention.

4.2.4

.09 Report Protection

The Use of Force Report database entry is not part of an employee's personnel file and is not protected from disclosure on that basis. However, the entry may be protected from disclosure for other reasons, such as pending litigation or entries related to juvenile subjects, mental illness or attempted suicide. Appropriate reasons for non-disclosure will be asserted in response to open records requests and subpoenas. Purely statistical information derived from the forms that do not contain information identifying any of the participants may also be considered public information.

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