

7-06/000.00 Use of Force Reporting Procedures

The Sheriff's Department recognizes each use of force by its members requires a thorough, fair, and objective review.

Reportable force is any force which is greater than that required for un-resisted Department-approved:

- Searching;
- Handcuffing;
- Control holds;
- Come-alongs;
- Hobbling;
- Or any action which results in an injury or a complaint of pain.

NOTE: Throughout this section, the term "suspect" is used to refer to any individual upon whom force has been used.

Reportable Force Categories

There are three categories of Reportable Force.

Category 1 Force involves any of the following where there is no injury:

- Searching and handcuffing techniques resisted by a suspect;
- Hobbling resisted by a suspect;
- Control holds or come-alongs resisted by a suspect;
- Takedowns;
- Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.

Category 2 Force involves any of the following:

- Any identifiable injury;
- A complaint of pain that a medical evaluation determines is attributable to an identifiable injury;
- Any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force.

Category 3 Force involves any of the following:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit;
- Force resulting in admittance to a hospital;
- Any death following a use of force by any Department member;
- All head strikes with impact weapons;

- Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- Deliberately or recklessly striking an individual's head against a hard, fixed object;
- Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;
- All canine bites;
- Any force which results in a response from the Internal Affairs Bureau (IAB) Force/Shooting Response Team, as defined in the Manual of Policy and Procedures (MPP) section 3-10/130.00, "Activation of the IAB Force/Shooting Response Teams."

IAB will be notified of all canine bites requiring medical treatment. Due to the specialized nature of these investigations, canine bites will initially be investigated by the Special Enforcement Bureau Canine Services Detail (SEB/CSD) sergeant, unless the incident meets the criteria for an IAB Force/Shooting Response Team response. All canine bites shall also be reviewed by the Executive Force Review Committee, with an additional level of oversight conducted by the Office of the Inspector General (OIG).

Responsibilities for Reporting the Use of Force

In all cases in which members use reportable force, they shall make a verbal notification to their immediate supervisor (with a minimum rank of sergeant) as soon as safely possible. To the extent possible, the verbal notification should be outside the presence of other Department members who used or witnessed the force.

Each member who uses reportable force and each supervisor who directed the force which was used, shall complete a written first report of the force incident prior to going off duty. If the watch commander determines exigent circumstances such as the member's physical or medical condition impair their ability to complete the report, the report shall be completed as soon as possible and the reasons for the delay should be documented.

Each assisting member who used force, including partners, shall submit a separate supplementary report detailing their actions prior to the member going off duty.

Department members witnessing reportable force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor and prepare an independent written report before going off duty unless the watch commander specifically designates which witnesses will write the reports because a large number of members witnessed the same incident. If their immediate supervisor used or directed force, witnesses shall make their advisement to the watch commander who will determine whether a separate report/memorandum by the witness is required.

Members witnessing reportable force used by employees of another law enforcement agency shall, as soon as safely possible, advise their immediate supervisor and write a memorandum documenting their presence or, if applicable, provide a copy of their patrol log.

NOTE: Refer to MPP section 3-10/300.00, "Deputy-Involved Shootings – General Provisions" through section 3-10/600.00, "Statistical Compilation – Shots Fired by or at Deputies – No Person Wounded or Killed" for the use of force reporting and review procedures involving shootings by Department members.

When feasible, written reports shall be reviewed and approved by the supervisor to whom the force incident was initially reported. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report. Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, the specific force used in response to the suspect's actions, and any force the member observed which was used by other members. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports, or memoranda.

When force is used during crowd control situations and an arrest cannot be made, or the suspect(s) cannot be identified, Department members shall report their individual uses of force (directed or otherwise) to an on-scene supervisor as soon as safely possible. The application of force applied to a group, or members of a group, who are not arrested or cannot be identified, shall be documented on a single use of force memorandum by the on-scene supervisor and approved by the incident commander. Reporting of force used in crowd control situations in which suspects are arrested, or can be identified, shall be reported as an individual use of force consistent with this policy. Department members who use force in crowd control situations in a Custody Operations facility shall prepare a written report/memorandum.

Allegations of Force

Allegations of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g. interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the force allegation was reported shall report the allegation to their immediate supervisor with the minimum rank of sergeant. That supervisor shall immediately conduct an inquiry to determine the validity of the allegation (i.e. whether it is corroborated by statements and/or evidence.). However, if that supervisor was alleged to have been involved in (or a witness to) the incident, the inquiry shall be assigned to another supervisor.

The supervisor conducting the inquiry shall adhere to the following guidelines:

- Follow up on information provided by the individual making the allegation (i.e. interview person(s) whom the individual said were present and/or witnessed the incident, look for and collect evidence that the individual mentions);
- Collect evidence and take statements;
- Take photographs of the location, if appropriate;
- Review any medical records (in cases of an inmate, review the inmate injury report). If an inmate injury report was not prepared for an inmate, ensure one is prepared and the inmate is medically treated;
- Photograph all visible injuries (if applicable) and thoroughly document/describe all statements taken and evidence collected;
- Determine if the force incident was recorded and secure any such recordings of the incident.

An inquiry into a force allegation shall be documented in a memorandum from the supervisor to the unit commander and shall include the supervisor's conclusions regarding the validity to the allegation. The unit commander shall take one of the following actions:

- Close the inquiry if there is no validity to the allegation;

- Initiate an administrative investigation if the inquiry reveals possible misconduct that could result in discipline, such as unreported use of force;
- Initiate a criminal investigation if the inquiry reveals reasonable suspicion a crime occurred (e.g. assault under the color of authority.)

All allegations of force shall be forwarded by the unit commander to the concerned facility's area commander for review/concurrence and then forwarded to the administrative commander for review. After review by the administrative commander, it shall be returned to the originating facility for forwarding to the Discovery Unit.
