

Use of Force

Use of Force

300.1 PURPOSE AND SCOPE [1.3.1] [1.3.2]

Any use of force by sworn police personnel of this department is a critical concern, both to the public and to the law enforcement community. Officers are engaged in many varied interactions and, when the situation deems it appropriate based on all of the facts and circumstances known to the officer may use reasonable force in carrying out their duties.

Sworn police personnel must have a clear understanding of their own authority and the limitations that regulate them in their duties. This is paramount as it relates to responding to resistance while engaged in the performance of law enforcement duties.

In vesting police officers and corrections officers with the lawful authority to apply compliance techniques to protect the public welfare, a careful balancing of all human interests are required. Therefore, our policy is that police officers and corrections officers will use only reasonable force to effectively bring an incident under control, while protecting the lives of the officer or another, as is more fully set forth in this policy.

We recognize and respect the value and special integrity of each human life. However there are individuals in our society that do resist our lawful actions. They may avoid arrest by flight, and/or resort to force or violence to commit their crimes, or harm the innocent and weak to further their illegal activities.

This policy provides sworn personnel with guidelines on the use of techniques that are designed to allow them to defend themselves and others against physically aggressive subjects or to compel uncooperative subjects to obey a legal order.

The use of unreasonable force will degrade the confidence of the community we serve and may result in disciplinary action. Officers are expected to be familiar with this policy and recognize that we are guardians and servants of the public.

300.2 COMPLIANCE TECHNIQUES [1.3.2]

Officers shall use compliance techniques in accordance with constitutional law, the Nevada Revised Statutes and Henderson Police Department approved Policy and training, to protect the rights of citizens and the rights of officers engaged in the control and de-escalation of combative or resistant subjects or; the objectively reasonable use of compliance techniques to reach any other lawful objective in the course of the officers duties.

Officers may not use force or any compliance technique that they have not been trained to use, unless they can specifically articulate a need that should only exist in the most dangerous of situations.

Any officer that is a witness to another officer using force that may be excessive, unnecessary or is clearly beyond the force that is objectively reasonable under the circumstances shall, when safe and in the position to do so, intervene to prevent the use of that force. A sworn police officer who witnesses such force, that he/she knows by training and experience to be excessive or unnecessary, by another officer should promptly report these observations to a supervisor.

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While the priority of this police department is to avoid or minimize injury in every encounter requiring a police intervention, there is no requirement in this or any policy that an officer is expected to retreat or be exposed to possible physical injury before applying reasonable force.

DEFINITIONS — to better understand and use this policy, the following definitions are provided:

- **Force** – The application of physical techniques or tactics, chemical agents (SWAT only) or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.
- **Active Resistance** - Active resistance refers to instances in which a subject engages muscles groups to defeat an officer's attempts to affect an arrest. Active resistance may not be specifically directed toward the officer. Active resistance can include intentional dead weight tactics, resistive tension, pushing away, fleeing, locking arms to avoid handcuffing, pulling away from an officer or being combative (balling or clenching fists, taking a combative or offensive stance, swinging arms, punching, kicking, spitting, head-butting etc.) toward an officer who is in the lawful performance of his/her duties.
- **Passive Resistance** – Subject is not resisting in any physical way (uncooperative, non-violent, non-aggressive, unresponsive, conspicuously ignoring direction or commands).
- **Imminent Jeopardy**: An immediate danger that must be instantly met, which cannot be guarded against by calling for assistance of others, protection of law, or otherwise defined; i.e., the appearance of threatened or impending injury that would put a reasonable and prudent person to their instant defense.
- **Overwhelming Force** – A strategy in the application of reasonable force that overwhelms a subject, rendering the subjects resistance powerless, using all of the resources available at the time the force is applied (i.e. facts & circumstances known to the officer, training, assets, manpower, environment, communications etc.) in an attempt to control a subject while minimizing injuries to the subject and Police Officers.
- **Reasonable Force** – The amount of force that another officer with the same or similar training and experience, facing the same or similar circumstances, may have employed.
- **Unreasonable Force** –The amount of force that another officer with the same or similar training and experience, facing the same or similar circumstances, would not have employed.
- **Unnecessary Force** – Any amount of force that is used by an officer that does not fulfill a lawful objective or is needless or uncalled for.
- **Deadly Force** – Any amount of force or weapon that is likely to produce death or serious physical injury.
- **Physical Force** – The use of parts of the body or any substantive material or item exerted upon a person that compels that person to involuntarily move, cease movement or physically react to that force.
- **Reasonable Belief** – The facts or circumstances the officer knows, or should have known at the time, are such as to cause an officer with the same or similar training and experience to act or think in a similar way under similar circumstances.

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- **Serious Physical Injury** – A bodily injury that creates substantial risk of death, causes serious permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.
- **Low Lethality** – A concept of planning and force application that meets operational objectives with less potential for causing death or serious physical injury than lethal force police tactics.
- **Objective Reasonableness** - The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is deemed appropriate in a particular situation. Judgment is made in any use of force situation from the perspective of a reasonable officer on the scene, with the same or more training and experience, rather than with the 20/20 vision of hindsight.

300.3 WHEN COMPLIANCE TECHNIQUES ARE AUTHORIZED [1.3.2]

The use of deadly or non-deadly force is restricted to the purposes of self-protection, the protection of others, to prevent the escape of a dangerous offender, actions taken to compel or constrain resistant/combative subjects, or to take an offender into custody.

It is nearly impossible, impractical and unrealistic to effectively predict every possible scenario an officer might encounter in a use of force situation. Officers are expected and trusted to use discretion based on training, experience and the facts and circumstances the officer are faced with to determine a reasonable response in each use of force encounter.

It is also known that an officer may be faced with facts and circumstances in a situation that it would be impractical, ineffective or not possible to use any of the tools or weapons issued by the department, or employ tactics or methods trained by the department. Officers may find the need to improvise their response to a rapidly evolving situation where a use of force would be deemed reasonable. In this uncommon situation, the use of any improvised tool, device or tactic must only be employed to a level that the officer reasonably believes is appropriate to effectively de-escalate the situation and to carry out a legitimate law enforcement objective. If a sworn officer of this department takes any action that falls into this improvised response, he/she shall be able to articulate the reasons for this response and reinforce this with any investigative information (i.e. witness statements, MAV recordings, or any other data available).

A peace officer may use reasonable force to affect an arrest, to prevent escape or to overcome resistance as per state law. A sworn police officer who is making an arrest, attempting to make an arrest, de-escalate or control a situation that is unlawful, protect citizens or other officers or achieve any other legitimate law enforcement objective, is not compelled to retreat, cease or desist from his/her efforts due to the resistance of or threatened resistance of the person being arrested; nor shall such peace officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance.

Only those compliance techniques that are deemed reasonable by the officer based on the facts and circumstances known to the officer at the time the compliance technique is used shall be exercised, as is more fully set forth in this policy.

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The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain, and rapidly evolving, about the amount of force that is prudent and practical in a particular situation.

The reasonableness inquiry in a use of force case is an objective one; the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

The calculus for objective reasonableness is tested in three parts as follows:

1. **Seriousness of the offense** (government's interest).
2. **Physical Threat.**
3. **Active resistance or attempt to evade arrest by flight.**

The following factors, in addition to the Calculus for Objective Reasonableness, should be considered when time and circumstances permit. These factors include, but are not limited to:

- a. Subject offender size and ability.
- b. Availability of weapons or dangerous improvised devices.
- c. Persons present; other officers, suspects or unknown persons.
- d. Subjects actions.
- e. Immediacy and severity of the threat to officers or others.
- f. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- g. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. the number of subjects).
- h. The apparent or obvious signs of a presence of drugs or alcohol.
- i. Subject's mental state or capacity.
- j. The degree to which the subject has been effectively restrained and his /her ability to resist despite being restrained.
- k. The availability of other options and their possible effectiveness.
- l. Seriousness of the suspected offense or the reason for contact with the individual.
- m. Training and experience of the officer.
- n. Potential for injury to the officer, suspect and others.
- o. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- p. The risk and reasonably foreseeable consequences of escape.
- q. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- r. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

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- s. Prior contacts with the subject or awareness of any propensity for violence.
- t. Any other exigent circumstances.

In consideration of employing deadly force utilizing the calculus for Objective Reasonableness, members may use deadly force to apprehend a fleeing felon ONLY when every other reasonable means of effecting the arrest or preventing the escape has been exhausted AND,

- The suspect fleeing poses an immediate threat of death or serious bodily harm to the member or others; OR
- There is probable cause to believe the crime committed or attempted was a violent felony, which involved an actual or threatened attack which could result in death or serious bodily harm; AND
- There is probable cause to believe the person fleeing committed or attempted to commit the crime, AND
- Failure to immediately apprehend the person places a member or the public in immediate danger of death or serious bodily injury; AND
- The lives of innocent persons will not be endangered if deadly force is used.

Additionally, in the Detention Center, use of non-deadly force is justifiable to protect property, control offenders and to do involuntary Blood Draws by a nurse for DUI's when required by state law.

300.4 CONSIDERATION OF RESPONSE

1. When compliance techniques are needed, Department employees should, if at all possible, assess an incident to determine, based on training and experience, which options in the range of responses will best de-escalate the situation and bring it under control in a safe and prudent manner.
2. Persons who are suffering from an apparent medical condition and/or who are exhibiting extreme agitation, violent behavior accompanied by profuse sweating, strength beyond their physical characteristics and who do not respond to pain, or who require a prolonged physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Scenarios involving these types of potential medical issues should be dealt with expeditiously. Officers who suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate. In some instances it may be practical to use overwhelming force to de-escalate a situation and control a subject in an effort to expedite medical treatment and for the safety of officers, medical personnel and the subject.
3. In the Detention Center, an offender will be warned in advance before staff uses force unless doing so jeopardizes staff safety.
4. The following listed use of force/control options is not intended to suggest the order in which the various categories of force options should be used in any specific situation. The following use of force options should be considered:

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Chemical weapons (S.W.A.T. only), deadly force (including the use of empty hands, impact tools, firearms or any other means necessary), handcuffs, impact tools including less lethal weapons, officer presence, verbal commands, empty hands control, strikes (hands, fist, feet), OC spray, Taser, and K9 physical apprehension.



5. Remember that:

- a. Only reasonable force shall be exercised.
- b. The force option applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a force option that is within the range of "objectively reasonable" options.

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- c. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.
- d. Officers shall either escalate or de-escalate the use of force as the situation progresses or circumstances change.
- e. When reasonable, based on the totality of circumstances, officers shall use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options.
- f. In the spirit of using verbal commands as a reasonable force option in an attempt to de-escalate or defuse a situation, occasional aggressive language could be deemed reasonable if needed and that language is used in context to control a situation.
- g. When reasonable, based on the totality of circumstances, and time permitting, officers shall also recognize the importance of the consideration of other available resources (i.e. S.W.A.T., K9, or other specially trained and specially equipped units).
- h. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force will be de-escalated accordingly. If the subject requires medical attention, rescue units will be requested immediately or as soon as safe to do so.
- i. An officer may move from any reasonable force option to another reasonable force option depending on the violator's actions or other relevant factors.
- j. There are no standard rules on the application of force.
- k. It is critical for officers to properly document the reason for their actions.
- l. Members should always be able to articulate the justification for going outside of agency policy or training.

300.5 REPORTING COMPLIANCE TECHNIQUES [1.3.6] [1.3.7]

1. When compliance techniques, as they apply to a reasonable use of force option, are used to **compel or constrain resistant or combative subjects**, all involved employees are required to complete an incident, arrest, crime, supplemental report, or otherwise document the incident. Photographs should be taken and impounded per Department policy when injuries, or complaints of injuries, are received.
2. Blue Team reporting is required when reasonable compliance techniques fail and the officer is forced to use **significant pain compliance techniques or control techniques that exceed a firm grip** on a **resistant and/or combative subject** in an effort to overcome the subject's physical attempts to prevent the officer from controlling, subduing or handcuffing the subject.
3. Only personnel involved in the incident and the actual use of force will complete a Blue Team report. Any officer not directly involved in the use of force, but still a witness to the use of force, will be listed on the Blue Team as a "Witness Officer".

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4. If two or more officers are involved and actually use force, each officer will complete a Blue Team and an original or supplemental report in Vision Tek. Officers present but not directly involved in the use of force will be listed as witnesses on all BlueTeam reports and must complete a supplemental report in Vision Tek detailing their observations.

300.6 DOCUMENTING A USE OF FORCE

Refer to the following tables:

DOCUMENTING A USE OF FORCE – POLICE OFFICER	
	USING COMPUTER REPORTING
Police Officer	<p>Log into Blue Team Field Support Services Select Use of Force Incident Fill in all appropriate fields (* Fields are mandatory)</p> <p>Please note that in the narrative section of the BlueTeam Report the officer will populate this field with “See Narrative”, the narrative portion of the Incident/Crime or Supplemental Report will reflect the elements of the use of force.</p> <p>Articulate the use of force completely in the Incident or Crime Report narrative section including the following: The technique used Reason for use of technique(s) Effectiveness of technique(s) Result of technique(s)</p> <p>Submit report to supervisor Blue Team must be completed prior to end of shift.</p>
Supervisor	<p>Responds to scene, completes a Use of Force Investigation, review for accuracy and completeness add notes in Blue Team that a Use of Force Investigation was completed. Forward through the chain-of-command to the Division Commander</p>
Division Commander	<p>Review for accuracy and completeness. As the Chief’s designee, performs an Administrative Review to identify whether there are any policy, training, equipment, or disciplinary issues. The results must be documented in the comments section of the BlueTeam report. [41.2.3e] Forward to Internal Affairs Bureau. Notify COH Risk Manager the next City business day</p>
Internal Affairs Bureau	<p>Review for accuracy and completeness. When the report is approved, at the Internal Affairs level, the narrative portion from the incident crime report will be copied and pasted into the BlueTeam Report.</p>
Use of Force Specialist	<p>Conducts an administrative review for policy and training purposes.</p>

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DOCUMENTING A USE OF FORCE – CORRECTIONS OFFICER	
	USING COMPUTER REPORTING
Corrections Officer	<p>Contact Communications to obtain an Event number for any use of force incident to be utilized in the Case Number field of the Blue Team Report. When Communications ask for a 400 code you will indicate a 498 and the names of all officers involved. No DR number will be utilized for a Blue Team Case Number field.</p> <p>Log into Blue Team Field Support Services</p> <p>Select Use of Force Incident Fill in all appropriate fields (* Fields are mandatory) including a full narrative of the incident.</p> <p>Please note if the use of force is with an ICE Inmate, you will need to add a charge under the involved citizen section and select ICE. This is not needed for uses of force with any other type of inmate.</p> <p>Ensure all appropriate fields are completed.</p> <p>Submit report to supervisor</p> <p>Blue Team must be completed prior to end of the work week.</p>
Supervisor	<p>Responds to scene, completes a Use of Force Investigation, review for accuracy and completeness add notes in Blue Team that a Use of Force Investigation was completed.</p> <p>Forward through the chain-of-command to the Superintendent.</p>
Superintendent	<p>Review for accuracy and completeness.</p> <p>As the Chief’s designee, performs an Administrative Review to identify whether there are any policy, training, equipment, or disciplinary issues. The results must be documented in the comments section of the BlueTeam report. [41.2.3e]</p> <p>Forward to Internal Affairs Bureau.</p> <p>Notify COH Risk Manager the next City business day</p>
Internal Affairs Bureau	<p>Review for accuracy and completeness.</p>
Use of Force Specialist	<p>Conducts an administrative review for policy and training purposes.</p>

300.7 AUTHORIZATION TO CARRY FIREARMS/NON-DEADLY WEAPONS [1.3.9]

Department employees authorized to carry firearms and non-deadly weapons will be instructed in the policies described herein and provided with necessary training. We will provide all employees a copy of this order and thoroughly train and test for proficiency before authorizing any employee to carry a firearm or non-deadly weapon. [1.3.10]

300.8 REQUIREMENT TO BE ARMED ON DUTY

Employees authorized to carry firearms will be armed while on duty, whether in uniform or civilian attire, unless otherwise directed by the Chief of Police or his designee. [REDACTED]

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[REDACTED]

1. **Firearms In Detention Center** – Firearms and ammunition are not allowed in the Detention Center unless approved by the Chief of Police, Corrections Center Administrator, Assistant Administrator or Watch Commander in their absence due to a hostage situation or other emergency.
2. [REDACTED]
3. **Prohibited Weapons** – Weapons and ammunition not having Department authorization are prohibited.
4. **Weapons Authorized** – Only firearms authorized by DP740 may be carried on duty.

[REDACTED]

[REDACTED]

- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

300.10 USE OF FIREARMS

Department employees are not authorized to draw or display their firearms unless the circumstances create a reasonable belief that it may be necessary to use the firearm in conformance with these procedures.

Employees faced with using a firearm, and given a safe and reasonable opportunity, will identify themselves and state their intention to shoot.

300.11 RESTRICTED USE OF FIREARMS [1.3.3]

Employees are restricted from discharging a firearm in the following cases, unless it is reasonably certain that the employee’s life, or that of another person, is in imminent jeopardy:

- As a warning shot.
- At or from a moving vehicle. Officers should seek alternatives to shooting at or from a moving vehicle. An Officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes that he/she, another officer or any other person is in imminent danger due to the facts and circumstances known to the officer, and there are no other reasonable means available to stop the deadly threat of the driver/vehicle or if the occupants of that vehicle pose a deadly threat to officers or others.

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- Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
- If it appears likely a bystander may be injured.
- Solely to protect property interests

300.12 PARAMETERS FOR USE OF COMPLIANCE TECHNIQUES

Officers are authorized to use Department approved non-deadly compliance techniques as follows:

- To protect themselves or another from physical harm.
- To restrain or subdue a resistant suspect.
- Bring an unlawful situation safely and effectively under control.
- To control offenders, protect property and to do involuntary blood draws per State Law.

300.13 WEAPONS AUTHORIZED DURING USE OF COMPLIANCE TECHNIQUES [1.3.4]

Officers are not permitted to use a low lethality weapon unless qualified in its use as determined by training procedures. The following low lethality weapons are authorized:

- Taser.
- Side-handle baton or expandable straight baton (ASP).
- Pepper Spray.
- Handcuffs and restraints.
- Less Lethal.

300.14 DEADLY FORCE TECHNIQUE PARAMETERS [1.3.2]

Officers are authorized to use Department approved deadly compliance techniques as follows:

- Protect themselves or others from what is reasonably believed to be an **IMMEDIATE** threat of death or serious bodily harm.
- Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant and immediate threat to human life should escape occur.
- To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. If a firearm is used in this manner, it is not considered a "Use of Force" and will not be reported in the BlueTeam reporting system. Refer to DP300.16 for reporting procedures.

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300.15 WEAPONS AUTHORIZED DURING DEADLY FORCE

Employees are permitted to use only the following Department authorized deadly weapons listed in DP740 (only after being approved by their chain of command) in the line of duty:

- Department issued, or personally owned and Department approved revolver(s) and/or semiautomatic pistol(s).
- Department owned, or personally owned and Department approved rifles/shotguns.
- Department owned special-duty rifles and machine guns.
- Any of the low lethality weapons listed in Section 300.13 of this policy when their use falls under the scope of deadly force or techniques.
- Any other device necessary to stop the suspect's actions.

300.16 OFFICER'S REPORT ON THE COMPLIANCE TECHNIQUES [1.3.6]

The Department investigates compliance techniques and actions taken to compel or constrain resistant/combatative subjects as they apply to the following use of force options: Strikes (hands, fists, feet) the use of any restraint other than handcuffs on a physically combative subject (i.e. hobble, spit mask), OC Spray, Taser, impact tools, firearms, and deadly force, to determine their justification, as well as to correct any identifiable training deficiencies. Note: Use of the Hobble or spit mask as a preventative measure, on a subject who is not combative or resistant, does not require a Blue Team supplemental report.

Employees involved in applying compliance techniques will notify their supervisor immediately. The involved employee(s) will complete a Blue Team, Use of Force Report, which will be forwarded to the Internal Affairs Bureau when:

- When lethal or non-lethal compliance techniques are used on a person, including the use of a firearm.
- Other actions considered compliance techniques, such as intentional traffic collisions.
- Other actions used to compel or constrain resistant or combative subjects.
- When OC Spray and/or the restraint chair are used by corrections personnel.

If a firearm is used to destroy an animal that is either suffering, as a humanitarian act, or to protect the public's safety or the Officer's safety during the normal course of that officer's legal duty, no BlueTeam will be completed. Instead, the officer articulately report the incident through the VisionTek reporting system and additionally complete an "Officer's Discharge of Firearms", HPD#0014.

300.17 RESPONSIBILITY FOR INVESTIGATION OF COMPLIANCE TECHNIQUES [1.3.5]

Investigating Compliance Techniques When No Death or Substantial Bodily Harm Follows the Use of Force

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The procedures for investigation of compliance techniques are:

1. **Officer**

- a. Makes an initial assessment as to the extent of injuries, if any, to any person(s) after any use of force that result in the complaint of or officer's observance of an injury.
- b. Determines whether or not first aid or paramedic response is necessary to include notifying dispatch and ensuring appropriate first aid or paramedic assistance is provided.
- c. Immediately summons a supervisor to the scene if force is used or alleged.

2. **On-Scene Supervisor (Acting or promoted)**

- a. A supervisor will respond to all scenes when force is used or a Use of Force is alleged or a firearm is discharged outside of the firing range. The Supervisor will determine if a Blue Team is necessary. If a Blue Team is necessary, the Supervisor will conduct an on scene Use of Force Investigation which includes the following steps:
 - 1) Identify all officers involved and evaluate the officers' injuries and wellbeing.
 - 2) Identify injuries or complaints of injuries of others involved and insure appropriate medical care is provided.
 - 3) Ensure the scene is secure.
 - 4) Ensure all witnesses are identified, contacted (separated if possible) and provide written statements if they are willing.
 - 5) Review witness statements to ensure completion and the witnesses location at the time of the incident.
 - 6) Identify all sources of video/audio surveillance and recordings.
 - 7) Review footage and ensure it is collected and impounded.
 - 8) Review and tag MAV on the scene if it is likely that the force was captured on the system.
 - 9) Ensure photographs of the scene, the suspect/officers injuries or claimed injuries are taken and impounded correctly.

Supervisors will refer to DP351, Specialized Assistance within HPD, in determining if call out of other units is needed.

If the Investigative Services Division is responding, only minimal, preliminary questions should be asked by the supervisor about the incident. The officer(s) should be advised that a more detailed debriefing will be conducted at a later time.

At all times, when at the scene of the incident, the supervisor should handle the officer(s) and all involved personnel in a manner that acknowledges the potential stress caused by the incident.

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300.18 INVESTIGATING COMPLIANCE TECHNIQUES WHEN DEATH OR SUBSTANTIAL BODILY HARM FOLLOWS THE USE OF FORCE OR WHERE THE USE OF FORCE INVOLVES UNUSUAL CIRCUMSTANCES

The procedures for investigation of compliance techniques are:

1. **Officer**
 - a. Ensures appropriate first aid or paramedic response is provided to any person(s) after any use of force.
 - b. Immediately summons a supervisor to the scene.
2. **On-Scene Supervisor**
 - a. Is dispatched to the scene of the incident, and assumes primary responsibility in caring for involved personnel and integrity of the scene. On scene supervisors will use the Incident Command System model (DP361). Consideration should be given to:
 - (1) Locating witnesses requesting written statements.
 - (2) Staging areas for the responding personnel and media.
 - (3) Perimeters to include an inner and outer crime scene perimeter.
 - (4) Command Post location.
 - (5) Evacuation locations.
 - (6) Ingress and egress routes.
 - (7) A sequestered location for officers involved.
 - (8) Activation of the Mobile Command Vehicle.
 - b. Where possible and appropriate, meets briefly with the involved officer(s).
 - c. Determines if the officer(s) was on duty or acting in the capacity of a police officer while off duty.
 - d. When applicable, have directly involved officers turn off their personal MAV wireless microphones.
 - e. Only minimal, preliminary questions should be asked by the supervisor as to the officers involved, suspect(s), crime scene location, and witnesses.
 - f. No further questions should be asked at this time unless directed by the Investigations supervisor. The officer(s) should be advised that a more detailed debriefing will be conducted at a later time.
 - g. At all times, when at the scene of the incident, all supervisors should handle the officer(s) and all involved personnel in a manner that acknowledges the stress caused by the incident.
 - h. Notifies the next level of command in his chain, normally the Watch Commander or Division Commander, and the Investigations Sergeant as soon as possible of the

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shooting or critical incident. The Watch Commander or Division Commander is responsible for making further notification up the chain-of-command.

- i. Supervises, in cooperation with the Investigations Supervisor, the involved officer(s).
 - (1) After consultation with the Investigative Services Division supervisor, the involved officer(s) may be taken to a quiet area away from the scene. A supervisor of the rank of Sergeant or above designated by the Watch Commander or on scene supervisor, will remain with the involved officer(s) insuring the integrity of the quiet area. Only those persons allowed by this policy shall be permitted access to the involved officers.
 - (2) The quiet/sequestered area shall be selected to insure the officers involved are out of sight from the media, the public, and the scene until being transported to the area designated by the Investigative Services Supervisor for further investigation.
 - (3) If requested, a peer counselor or other supportive friend or officer should remain with the officer(s), but should be advised not to discuss details of the incident.
 1. The designated supervisor makes appropriate arrangements for the caring for involved personnel, including arrangements for all necessary medical treatment, response by peer support personnel, calling out the on-call Police Department Chaplain and P.E.A.P. Coordinator, or designee.
 2. Notifications to the respective Union along with advising each officer involved their right to have legal counsel and/or a union representative present.

3. On-Scene Chain-of Command

- a. The Chain of Command often wishes to respond to the scene to offer support to the involved officers. This support should not involve questions as to the officers' involvement in the incident, but should be brief and supportive in nature.
- b. The HPOA and HPSA representatives can also offer support. One union representative will be allowed to contact the officer involved to advise the officer that their respective union is present and available, as well as any legal counsel. This support should not involve questions as to the officers' involvement in the incident, but should be brief and supportive in nature.
- c. Involved officers requesting legal representation or union representation will be afforded that right.

4. Investigative Services Division

- a. The Investigative Services Division is responsible for investigations anytime a deadly force technique is used, where death or substantial bodily harm, which may lead to death, occurs as a result of the use of compliance techniques or where the use of force involves unusual circumstances. In these cases, the Watch Commander will contact the ISD Lieutenant reference Investigations handling the incident (for further information, refer to IPM2200).

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- b. Coordinates with the IC to authorize officer(s) to leave the scene and be taken to a quiet, secure setting when involved officer(s) are no longer required to remain on scene and the best interest of the Officers has been considered.
- c. Meets briefly with the involved officers, where possible and
 - (1) Asks only minimal, preliminary questions about the incident.
 - (2) Conducts a walkthrough with Officers, and his/her representative(s), when the officer is physically and emotionally ready. Advises officer(s) that a more detailed debriefing will be conducted at a later time.
- d. Advises officer(s) not to discuss the incident with anyone except a personal attorney, union representative, doctor or Department Investigator until the conclusion of the preliminary investigation.
- e. The Investigative Services Division will facilitate the reviewing of any audio/video recordings or other media sources, of the incident, by the officer(s) involved during the criminal investigation.
- f. The Investigative Services Division is responsible for the officer's duty weapon being taken for laboratory analysis. When the duty weapon is taken, the lead investigator shall:
 - (1) Assist Crime Scene Investigators in taking custody of the officer's weapon in a discrete manner (out of view of the public) for processing, analysis and booking into evidence.
 - (2) Arrange for replacement with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.

300.19 POST-INCIDENT PROCEDURES [1.3.8]

1. **Release of Information** - In all cases, no information concerning the names or positions of officers involved in shooting incidents shall be released to any media representative or other person without the approval of the Chief of Police.
 - a. Generally, the Chief of Police will not authorize release of such information for 48 hours.
 - b. No audio or video recordings will be released without the approval of the Chief of Police.
2. **Incident Review Leave** - Involved personnel in incidents where their actions or use of force results in a death or serious physical injury or any other incident at the direction of the Chief of Police, will be removed from line duties pending the conclusion of the administrative investigation.
3. **Post-Incident Counseling** - The affected Division Commander, or their designee, and the P.E.A.P Coordinator will work together to ensure all officers directly involved in a shooting incident are scheduled to meet with a designated specialist for counseling and evaluation as soon as practical after the incident. An Incident Review Template will be completed and updated by the P.E.A.P. Coordinator and sent to the affected Division

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Commander or their designee, for review. The Incident Review Template will then be sent out via email to the Command Team and all affected supervisors by the Division Commander.

Upon direction of the Chief of Police or their designee, involved support personnel may also be required to meet with such specialists after a shooting incident. The P.E.A.P. Coordinator will be responsible for scheduling these appointments.

After the clinical sessions, the specialist shall advise the Chief of Police:

- a. Whether it would be in the employee's best interest to continue on administrative leave or modified duty, and for how long.
- b. The best continued course of action or counseling.

The P.E.A.P. Coordinator will be contacted by the designated specialist when an employee has completed all necessary clinical sessions and is released from his/her care. The release form will be faxed to the affected Deputy Chief of Police. The designated police administrative specialist will complete the administrative orders.

The agency strongly encourages the families and significant others of the involved officers to take advantage of available counseling services.

4. **Departmental Briefings** – The Department will brief other agency employees concerning the incident so rumors are kept to a minimum. Department employees are encouraged to show the involved officers their concern.

All personnel involved in a shooting incident will be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson unless otherwise authorized to release a statement pertaining to the incident.

In order to protect against crank or abusive calls, officers will be advised to have phone calls answered by another person for several days after their names are released to the public.

During debriefings, officers and department employees **will not** discuss the specific details or justification of the Officer Involved Shooting or the Use of Force, which will be determined later by the responsible investigating body.

All department employees are reminded that all information discussed is for internal purposes only. All supervisors should be aware and guard against any misinformation or rumors that may be heard. The Chief of Police should be notified through the chain of command in these cases.

Briefings are considered an integral part of the post-incident procedure. The following briefings will be held to address immediate stress related issues, as well as procedural review and training issues:

- a. **Administrative Briefing** – This should occur within hours of the incident and attended by the Command Staff and PIO's. It will be conducted by the Investigative Services Captain or their designee.
- b. **Incident Briefing Email** – The Chief of Police, or their designee, will be responsible for providing a brief summary to the rest of the department personnel about the

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incident. The briefing email is intended to provide some preliminary information and to keep rumors to a minimum.

- c. **Squad Debriefings-** This debriefing should occur on the first day back for the squad or squads involved in the incident. Only those squads involved in the actual incident should attend to openly discuss the incident prior to going back onto the street. The involved officer(s) are encouraged to attend, but are not required to participate if they choose not to. A representative from P.E.A.P. will be made available to attend this debriefing. Any questions that arise during the debriefing that cannot be answered will be followed up by the Sergeant or Lieutenant immediately and answers provided to the squad as early as possible.
- d. **Critical Incident/Stress Debriefing** – This should occur 24 to 72 hours after the incident and after investigative interviews are conducted with those personnel involved in the incident. The Critical Incident Stress Debriefing is intended for those Officers and Supervisors immediately involved in the incident. A separate Critical Incident Stress Debriefing will be conducted for Support Personnel (e.g. Communications). These meetings will be set up by the P.E.A.P. Coordinator who will send an email to all the supervisors involved in the incident to ensure all appropriate personnel are invited to the debriefing. The P.E.A.P. Coordinator will facilitate the debriefing and have a Police Captain in attendance. No written records or recordings will be allowed. This debriefing is intended for personnel to talk about the incident in an open non-judgmental environment.

The Chief of Police may add or cancel any briefings/debriefings as deemed appropriate.

5. **Interested Parties Meetings** – At the conclusion of the criminal investigation, the Investigative Services Division Captain will have a presentation prepared of the criminal investigation and notify the Chief through the chain of command when this presentation is complete. This presentation will be reviewed by the Chief and may be offered to the family members of the deceased person. The ISD Captain or designee will coordinate the meeting and will be present at such meeting. Upon conclusion of the meeting a memorandum will be forwarded to the Chief of Police through the chain of command with a summary of the meeting.
6. **Police Action Review Committee** - The Police Action Review Committee (PARC) will conduct an administrative investigation into the circumstances of an incident as it relates to employee actions in risk related events up to and including deadly force situations. The committee's focus will compare the employee's actions to existing department policy and procedure and conduct a training evaluation of the incident. Refer to DP302 for additional information on PARC.
7. **Return to Duty** - The Chief of Police may return personnel to duty upon completion and review of the following:
 - a. Clearance from an agency designated specialist for counseling and evaluation.
 - b. Report from the Investigative Services Division concerning the facts of the investigation.
 - c. Report from the Police Action Review Committee.

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8. **Requalification** – Upon being released back to full duty, the Officer must qualify with all of their assigned weapons.

300.20 DAILY STRESS RECOGNITION

1. As post-traumatic stress disorders may not arise immediately, or the employee may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit employees for abnormal symptoms of the disorder.
2. A supervisor may request, through their chain of command, that an officer seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance. Any further action will be at the discretion of the Chief of Police.

300.21 TRAINING

1. All employees will receive training pertaining to post-traumatic stress disorder and the uniform procedures contained in this policy on a regular basis.
2. Supervisors are responsible for making available to their unit personnel information about the agency's peer counseling group, City EAP, or other Department or City sponsored mental health services.



Accreditation Standards

CALEA 1.2.2, Legal Authority to Carry/Use Weapons
CALEA 1.3.1, Use of Reasonable Force
CALEA 1.3.2, Use of Deadly Force
CALEA 1.3.3, Warning Shots
CALEA 1.3.4, Use of Authorized Less Lethal Weapons
CALEA 1.3.5, Rendering Aid After Use of Weapons
CALEA 1.3.6, Reporting Uses of Force
CALEA 1.3.7, Reviewing Reports of 1.3.6
CALEA 1.3.8, Removal from Line of Duty Assignment, Use of Force
CALEA 1.3.9, Authorization: Weapons and Ammunition
CALEA 1.3.10, Demonstrating Proficiency with Weapons
CALEA 1.3.12, Issuing Written Directives
CALEA 22.2.6, Employee Assistance Program
CALEA 74.3.1, Procedure, Criminal Process
PSCA 2.2.6

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	<p>reporting.</p> <p>300.6 – Internal Affairs Bureau will copy and paste the report narrative to the BlueTeam report once approved. Deleted their requirement to conduct the administrative review.</p> <p>300.6 – Added Use of Force Specialist to conduct an administrative review for policy and training purposes.</p> <p>Updated verbiage in definitions throughout entire policy to reflect current standards.</p>
05-06-15	Require a supervisor to respond to a use of force and complete an investigation.