1200 USE of FORCE

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**PURPOSE**

The purpose of this policy is to give members of the department guidelines on the reasonable use of force. This directive is for department use only. It is not intended to create higher legal standards of safety or care, especially with respect to third party claims. Violations of this directive will not be used to substantiate any criminal or civil action, but may form the basis for department administrative review and/or sanctions.

**DEFINITIONS**

[1.3.2]

**Objectively Reasonable**: Officer’s conduct falls within the parameters of what a reasonable, well-trained officer would do if faced with a similar set of circumstances.

**Reasonable Belief**: The particular facts and circumstances that lead a reasonable, well-trained officer to believe that the use of force is justified in a particular incident.

**Serious Physical Injury**: Any physical injury that causes serious and permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb.
POLICY

A. It is the policy of the Scottsdale Police Department to use only the degree of force that is reasonable to conduct lawful public safety activities and achieve the lawful objectives of the department. Officers’ actions are reviewed on an “objectively reasonable” standard, in light of the facts and circumstances attending the incident. The reasonableness of force used will be judged from the perspective of a reasonable officer on the scene at the time of the incident, based upon the totality of the circumstances.

B. There are various levels of force available to the officer. Such levels of force include but are not limited to: verbal commands, empty hand tactics, intermediate weapons, and deadly force. Each officer is expected to respond with the level of force that appears to be reasonable for the circumstances, and to accomplish the lawful objectives of the department.

WEAPON DEPLOYMENT

FIELD Orders chapter [1200/Use of Force] only relates to the deployment of the weapons available. See General Orders chapter [2100/Appearance, Attire, and Equipment] for weapons specifications.

Employees are only authorized to carry lethal and less lethal weapons after being issued copies of and being trained on this chapter. The issuance and training are documented. In-service training for less lethal weapons occurs at least every two years.

DETENTION FACILITY USE of FORCE

All use of force applications in a Detention facility will comply with FIELD Orders chapter [1200/Use of Force].

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According to the criteria in the ARS Title 13, Chapter 4, officers may use the degree of force that is reasonable to conduct the following activities:

- Make an arrest a reasonable officer believes lawful.
- Affect a detention a reasonable officer believes lawful.
- Prevent an escape following a lawful arrest or detention.
- Prevent suicide.
- In self-defense and defense of others.

FACTORS to CONSIDER

Determining whether to use any level of force and the reasonableness of that action is based upon a number of factors. Those factors include, but are not limited to:

1. The conduct of the individual being confronted.
2. The comparison of the officer and suspect (age, size, strength, sex, skill level, conditioning, injury).
3. Influence of alcohol or drugs.
4. Number of officers in comparison to the number of suspects.
5. Weapons involved in the incident or in proximity to the incident.
6. Seriousness of the offense.
7. Department approved training.
8. Experience of the officer.
11. Amount of time to deal with the situation.
12. Duration of resistance.
13. Other exigent circumstances.
14. The suspect has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.

15. The suspect is attempting to escape by use of a deadly weapon.

16. Through past or present conduct of the person, which is known by the officer, that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

INTERMEDIATE WEAPONS

Intermediate weapons can be used when empty hand techniques have failed or the officer can reasonably articulate that they would have failed and deadly force is not authorized.

MEDICAL ASSISTANCE

Obtain appropriate medical assistance any time a suspect is injured, or alleges injury, through the use of force, or is rendered unconscious.

EXCESSIVE FORCE

Excessive force issues are handled according to standard disciplinary policy.

WEAPON PROFICIENCY

Only agency personnel demonstrating proficiency in the use of agency authorized weapons will be approved to carry such weapons.

DEPARTMENT-APPROVED TECHNIQUES

Except under exigent circumstances, officers are expected to use department-approved techniques that they have received training and demonstrated proficiency in.

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A. Officers are permitted to take enforcement action while off-duty within Arizona, if they observe an incident that requires immediate police action.

1. Immediate police action should only be taken in situations involving a serious criminal act or threat to public safety.

2. When an incident does not require immediate police action, promptly report the incident to the police agency having jurisdiction.

3. Officers are encouraged to carefully evaluate circumstances prior to taking action. With limited information and resources, the best course of action may be for you to delay action until it is safe to assist in an organized response.

4. While off-duty, officers may enter onto the Indian community anytime entry is legitimate for such purposes as recreation, passage, and shopping. Use discretion while carrying a firearm onto the Indian community.

B. Promptly report off-duty enforcement action to an on-duty supervisor. The supervisor generates a significant incident report and/or makes staff notifications as necessary following the guidelines of General Orders chapter 3000/Organizational Reporting and Communication.

C. Employees:
   • Are considered on-duty during the entire time of the enforcement action.
   • Must follow all department policies.
   • Will be paid for the time.

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ARS 13-410/JUSTIFICATION: 
USE of DEADLY PHYSICAL FORCE in LAW ENFORCEMENT [1.3.2]

The USE of DEADLY FORCE by a peace officer against another is justified*:

1. Only when the peace officer reasonably believes that it is necessary:
   a. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.
   b. To effect an arrest or prevent the escape from custody of a person whom the peace officer reasonably believes:
      1) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.
      2) Is attempting to escape by use of a deadly weapon.
      3) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.
      4) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.

2. AND all of the following exist**:
   a. A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.***
   b. Such person makes known the purpose of the arrest or detention or reasonably believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.***
   c. A reasonable person would believe the arrest or detention to be lawful.***
WARNING SHOTS

Do not fire warning shots under any circumstances.

MOTOR VEHICLES

1. Do not shoot at moving motor vehicles when all or part of the vehicle is the primary target.
2. Only shoot at occupants of moving motor vehicles when justified in using deadly force against the targeted occupant.
3. Do not place yourself in front of a moving vehicle simply to justify using deadly force.

NOTIFICATION

Immediately notify a supervisor after using deadly force.

TRAINING

Personnel authorized to carry weapons receive in-service training on department use-of-deadly force policies and demonstrate proficiency with all approved lethal weapons at least annually.

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SWORN PERSONNEL, PERSONAL DEFENSE UNIT - OC

1. OC spray is a less lethal intermediate weapon and only officers trained in its use are authorized to carry it.

2. Deploy OC spray whenever an intermediate weapon can be justifiably deployed and when in compliance with current training recommendations.

3. Take into consideration environmental conditions prior to deployment such as:
   a. Strong head winds.
   b. Crowded environments.
   c. When unintended targets may be contaminated.

4. OC should not be deployed against a subject at distances less than three feet unless exigent circumstances exist as injury to the eyes may result.

5. Personnel are trained in first aid for OC spray, which includes:
   a. Removing subjects to an uncontaminated area and facing them into the wind.
   b. Keeping their eyes open and having them avoid rubbing their eyes.
   c. Having subjects remove contact lenses and notifying paramedics if subjects cannot remove the lenses.
   d. Flushing the area with cool water for at least 5 minutes. Fifteen minutes is the standard.
   e. Having subjects examined by paramedics or other qualified medical personnel prior to booking.

SPECIALTY CHEMICAL AGENTS

1. A SWAT Supervisor, Watch Commander or higher-ranking supervisor, or the MFF Commander authorizes specialty chemical agent deployment.

2. Do not direct ferret rounds at individuals due to the possibility of serious injury that exists if a person is struck.
by the round. Do not use ferret rounds against moving vehicles.

3. Refer to the SWAT Operations Orders Manual for detailed training, deployment procedures, and tactical considerations.

NON-SWORN PERSONNEL (PA AND VIPS) DEFENSE UNIT - OC

1. Training – Personnel wanting to carry OC spray will attend a department approved training course prior to being issued OC.

2. Use OC to defend against physical assault.

3. Do not use OC to affect an arrest or prevent the escape of suspects.

4. Avoid situations that could put you into a physical confrontation. Anytime a situation begins to deteriorate where a physical confrontation appears likely, leave the area and call for appropriate assistance.

5. **PA or VIPS** – If you use OC spray on an individual, immediately:
   a. Disengage from the situation and move away from the area.
   b. Notify Communications of the OC use and ensure officers are dispatched to deal with the subject.
   c. Complete a department report (DR) leading up to the use of OC spray.

6. **Responding Officers** – If the subject is arrested, complete a Use of Force report detailing the arrest. Since PAs and VIPs are only authorized to use OC spray in self-defense, do not reflect their use of OC on the Use of Force report.

7. **On-Duty Patrol Supervisor** –
   a. Ensures a DR is completed (an information DR is required if there is no crime).
   b. Ensures the subject receives medical treatment.
   c. Ensures the PA or VIP completes a supplement detailing the need for using the OC spray.

8. Notifies Internal Affairs (IA).
FIELD ORDERS

Chapter
USE of FORCE

Subject
Diversionary Devices, Specialized Equipment, and Tactics

DIVERSIONARY DEVICES, SPECIALIZED EQUIPMENT, and TACTICS

Refer to 7000/SWAT Team Operations Orders for detailed training requirements, procedures, authorized equipment listings, and tactical considerations.

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# FIELD ORDERS

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## FLASHLIGHTS

[1.3.4]

A flashlight may be used in a baton-like, defensive manner if empty hand control techniques have failed or are not possible under the circumstances. Personnel will avoid intentionally striking or jabbing suspects on the head, neck, sternum, spine, lower abdomen, groin, or kidneys, unless deadly force is justified.

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DEPLOYMENT

The Pepperball launcher is a less lethal, intermediate weapon designed to propel a frangible hard plastic projectile at a subject with the intention of temporarily disabling or distracting the subject.

1. Do not deploy Pepperball launchers without back-up officers present. When possible, a tactical plan capable of defending the officer with deadly force should be communicated to all involved officers prior to actual deployment.

2. Deliver Pepperball projectiles to target areas based on the circumstances and the level of force authorized.
   a. Primary target areas – Center mass.
   b. Secondary target areas – The large muscle mass of the legs.
   c. Restricted Target Areas – Intentional impacts to the head, neck, spine, and groin if deadly force is justified.

3. After using a Pepperball launcher, assess its effectiveness, determine the suspect’s level of compliance, and employ appropriate arrest tactics.

4. Medical treatment – All suspects struck with Pepperball projectiles receive medical attention by the Fire Department (FD) paramedics or by other appropriate medical personnel (hospital, doctor, or other paramedics). If a suspect contaminated with the powder from a Pepperball projectile is to be transported to the hospital, request FD wash the subject down to prevent contamination of the ER department.

5. Call a Crime Scene Specialist (CSS) to photograph all subjects who are struck with Pepperball projectiles.

REPORTS

1. Deploying Pepperball projectiles through the dedicated SA 200 launcher does not fall under department policy regarding General Order 1421/Officer Involved Shooting investigations, unless death or serious physical injury occurs.
2. Department policy regarding FLD 1222/Reporting and General Order 1420/Use of Force Investigations apply to the use of Pepperball launchers.

3. Deploying officers will complete a Use of Force Form and send an email to the Pepperball Program Manager notifying of the use and the number of rounds to be replaced.

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POLICE BATON

Batons authorized by the department include: Straight Baton, Expandable Baton, and Mobile Field Force Baton. See General Orders chapter 2100/Appearance, Attire, and Equipment for baton specifications.

1. Attempt to strike muscle mass in the suspect's arms or legs.

2. Avoid intentionally striking suspects on the head, neck, sternum, spine, lower abdomen, groin, or kidneys due to the possibility of causing severe injury or death, unless deadly force is justified.

3. Do not use the baton:
   a. Against passive resistance.
   b. On resistance such as a prisoner refusing to enter a police vehicle or a holding room.

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DEPLOYMENT

Specialty impact munitions propel a projectile at a subject with the intention of temporarily disabling or distracting the subject.

1. When a situation warrants deploying specialty impact munitions, consult a SWAT Team Commander as soon as practical to determine if a SWAT Team call out is appropriate for the circumstances. See FIELD Order 3002/Deployment Authority/Guidelines.

2. Deploying specialty impact weapons by decentralized SWAT Team members, while serving in their patrol capacity, occurs only with approval from a sworn supervisor or SWAT Team Leader. Depending on the circumstances, this approval may occur prior to contacting a SWAT Team Commander.

3. Specialty impact munitions are deployed either through a dedicated 12-gauge shotgun, 37mm gas gun, or a 37mm SL-6 multi-shot projectile launcher (sage gun). All such dedicated weapons are conspicuously marked to distinguish them from other weapons.

4. Each weapon (dedicated 12-gauge shotgun) is stored in an unloaded condition (chamber empty, magazine empty) in the provided protective case. Officers will ensure proper impact munitions are loaded into the weapon prior to deployment.

5. Do not deploy specialty impact munitions without back-up officers present, to include at least one officer designated as lethal cover. Whenever possible, a tactical plan should be developed communicated to all involved officers prior to actual deployment.

6. Deliver specialty impact munitions to target areas based on the circumstances and the level of force authorized.
   a. Primary target areas are muscle mass groups in the suspect's legs, lower abdomen, and buttocks.
   b. Secondary target areas – The chest and back when an escalation of force is justified.
c. Deadly force areas – Intentional impacts to the head and neck if deadly force is justified.

7. Immediately use follow up control and handcuff subjects.

8. Medical treatment – All subjects struck receive medical attention by the Scottsdale Fire Department (SFD) paramedics or by other appropriate medical personnel (hospital, doctor, non-SFD, or other paramedics).

9. Call a Crime Scene Specialist (CSS) to photograph all subjects who are struck with specialty impact munitions.

10. Retrieve and impound all rounds that are fired at subjects.

REPORTS

1. Deploying specialty impact munitions through the dedicated 12-gauge shotgun, a 40mm gas gun, 40mm multi-launcher, or 37mm SL-6 multi-shot projectile launcher (sage gun) does not fall under department policy regarding General Order 1421/Officer Involved Shooting unless death or serious physical injury occurs.

2. Department policy regarding FLD 1222/Reporting and General Order 1420/Use of Force Investigations applies the use of specialty impact munitions.
OVERVIEW

1. X-26 Tasers are less lethal, intermediate weapons designed to incapacitate a subject from a safe distance without causing death or permanent injury while reducing potential injuries to subjects and officers. The Taser is referred to as an Electronic Control Device (ECD).

2. X-26 Tasers operate in two modes:
   a. Probe Delivery – Fires two probes up to a distance of 25 feet. After striking the subject, the officer is able to deliver an electrical current that interrupts the neuromuscular impulses traveling through the body. The optimum effective range is 7 to 15 feet.
   b. Drive Stun – Operates as a “contact” stun device. The ECD may be deployed with or without a live cartridge, and can be fired with an expended cartridge. If the live cartridge is still inserted when delivering a drive stun, it follows the same principles as the Angled Drive Stun taught during certification classes.

3. Justification for Using X-26 Tasers:
   a. To detain, arrest, defend, and protect individuals when aggression or resistance exists or is threatened.
   b. When empty hand techniques have failed or officers can reasonably articulate they would have failed and deadly force is not authorized.
   c. In other instances where an immediate threat exists and using a Taser is considered reasonable.
   d. To protect subjects who are either attempting to harm themselves or commit suicide.

4. A Taser may be deployed on an animal threatening to cause injury.

5. Officers or other authorized personnel issued an X-26 Taser will wear it on their duty belt, support side at all times or in a thigh holster on the support side (approved by the Taser...
Program Manager) with:

a. The safety on.

b. The laser set, at or returned to, the default setting. The X-26 Taser can have its laser and flashlight features changed by the user. Although these features may be modified at the user’s discretion for a particular tactical situation, if the laser is disabled, return it to the default setting before holstering. The default setting is “laser only” (LO).

c. A loaded Taser cartridge.

d. Another cartridge readily accessible on your person, or from the extended DPM (Digital Power Magazine) of the X26.

Note: Command staff does not have to carry the extra cartridge on their person as long as a second cartridge is readily available.

6. Sworn employees assigned to specialty units (ROP, SAU, HEAT etc.) will carry their Taser on the opposite side from their firearm. Any deviation to this carry method must be approved by the officer’s chain of command and the training unit commander.

7. Sworn employees in patrol/specialty units who are working an off-duty position in uniform capacity will wear the Taser on their duty belt or thigh holster during the assignment.

8. If assigned an X-26 Taser, officers may remove either the baton or OC; however, the removed intermediate weapon must still be readily available and accessible if needed.

TASER FUNCTIONS

A. Spark test the Taser for the full five seconds before starting your shift to ensure it is functioning properly. Conduct the spark test at district bullet traps or outside in a safe area.

1. To conduct the spark test:
   • Remove the cartridge and store it in an accessible area away from the immediate proximity of the firing bay.
   • Pull the trigger and let cycle for five seconds.
   • During the cycle, visually inspect the firing bay for an arch.
   • Return the Taser to “safe” after the five-second cycle.

2. Visually inspect the firing bay for any impediments that
FLD 1221 Taser

would prevent the cartridge from seating properly.

3. Inspect the Taser cartridge itself for the following:
   • Blast doors still affixed.
   • Expiration date has not passed.
   • Nothing is protruding from the front or sides of the cartridge and/or the cartridge body is not significantly damaged.

4. Load your cartridge and holster.

B. Perform a spark test for the following reasons:

1. Components inside the Taser device are more reliable when energized on a regular basis.

2. To determine that device components are functioning properly, including an actual ‘spark’ across the firing bay.

3. To confirm adequate DPM strength.

C. Additional maintenance functions are outlined in General Order 2115/X-26 Taser.

FACTORS to CONSIDER BEFORE DEPLOYMENT

1. Taking into consideration the justification for using an intermediate weapon, a Taser may be deployed in either mode when reasonable and based on the totality of the circumstances known to the officer.

2. You may first use the laser sighting system with verbal warnings to elicit compliance.

3. Ensure back-up officers are available to act with lethal force if necessary.
   • Deploy the Taser in a team concept that includes a plan to physically restrain the suspect, taking advantage of the window of opportunity the Taser provides to subdue and arrest.
   • Communicate this team deployment to all present to enhance officer safety.
   • Deployment should include a plan for transition to an alternate weapon system if the Taser does not result in the desired compliance level within a reasonable number of applications.
   • The tactical decision to Taser an individual for one, two, three, or more five-second cycles depends on the specific circumstances of the particular incident.

4. Consider that repeated, prolonged, and/or continuous
applications of the Taser discharge do not significantly impair breathing or respiration.

5. Give a warning, unless tactically unsound.

6. Consider the potential injury to subjects who are running or traveling at high speeds (bikes, skateboards etc.). Also consider age and physical disabilities.

7. Do NOT use Tasers:
   a. Against passive resistance.
   b. As a prod.
   c. As a method to awaken sleeping or intoxicated subjects.
   d. To obtain information.
   e. Inside a structure where illicit drug production is suspected.
   f. Against suspects who are near flammable liquids or gases.
   g. From or at occupants inside moving motor vehicles unless defending your life or the life of another.
   h. Against individuals who are in danger of falling from an elevated place (tree, roof, ladder, balcony, etc.).
   i. In the Detention areas solely as a method to obtain evidence. However, should a suspect become combative while in a Detention area, the Taser may be used to regain control.
   j. Against obviously infirm persons, or those who are known or appear to have existing health conditions that would put them at unwarranted risk during a Taser exposure.

DEPLOYMENT

**DRIVE STUN** – The live cartridge does not need to be removed to apply. Whether a live cartridge is inserted or not, it is considered an Angled Drive Stun application as taught during certification classes.

1. Preferred target areas are muscles or nerve points of the legs, arms, stomach or back.
2. Unless circumstances dictate it, avoid the head, groin, neck, or genitalia.

PROBE
1. Preferred target areas are larger muscle groups such as the subject’s back or thighs.
2. Unless circumstances dictate it, avoid the head, groin, neck, or genitalia.

POST DEPLOYMENT
1. Paramedics – Request paramedics to respond to the scene in all Taser deployments, whether the subject has been struck via probe delivery or drive stun.
   a. Be aware of subjects who appear to manifest symptoms of excited delirium or other symptoms of distress.
   b. If at all possible do not restrain these subjects in such a manner, or by a device, that would tend to inhibit either respiration or breathing. This includes using such methods as being pinned down by multiple officers or being outfitted with any unusually restrictive clothing items or spit-masks.
2. Probes that are superficially lodged in the skin may be removed by a trained officer, Detention Officer (DO), or Municipal security as long as another officer is present. The officer/DO/Municipal security will:
   a. Wear latex gloves.
   b. Place the spent probes in the spent cartridge, barb side down.
   c. Have paramedics evaluate the subject and clean and bandage the wounds, if needed.
   d. Impound the probes, wires, a sampling of Anti-Felon Identification (AFID) Tags and the cartridge as evidence. Treat probes that have penetrated the body like contaminated needles and impound appropriately.
3. Do not attempt to remove a probe if a subject is combative or if the probe is in the face, eyes, neck, groin, female breast or is deeply imbedded.
4. Photograph the subject’s injuries and location of the probes
and impound as evidence.

5. **Field Deployments** – After all field deployments, the responsible officer contacts the Taser Program Manager via email or voice message within 24 hours of deployment. A Taser technician performs a download within seven days of the deployment.

   a. The Use of Force Review Board (UFRB) or a supervisor may request dataport information. Make dataport information download requests as soon as possible after the event.

   b. Forward dataport information requests to IA.

**USE REPORTING**

**DOCUMENT** all Taser uses (probe delivery or drive stun) and threatened uses (laser sighting). Include in the DR:

1. Subject’s actions justifying the use.
2. Whether the suspect was armed.
4. Your actions and directions before deployment (i.e., verbal commands given, response, suspect actions).
5. Whether you gave a warning or reason why you did not give one.
6. Deployment method (probe delivery or drive stun) including:
   - Number and length of Taser cycles or drive stun applications.
   - The distance at which the subject was engaged.
   - The aiming point.
   - The location at which the probes impacted the subject’s body.
   - The subject’s reactions.
   - Whether the Taser was successful in controlling the suspect, if not, why.
   - Number of officers present and their respective roles.
   - Follow-up control.
   - If Taser probes missed the subject.
     - Document that contact was not made and indicate the circumstances that resulted in an unsuccessful application.
     - Obtain confirmation by the subjects that they were not struck, or if alleging injury, have them explain why
they believe they were struck and where to photograph the alleged affected area. Consider recording the conversation to maintain as evidence for future proceedings or claims. Document thoroughly.

7. Medical attention the subject received.

8. The Taser serial number and cartridge serial numbers used.
   - Complete the electronic Use of Force form – via the BlueTeam Link.
   - Supervisors – Notify the department Taser Program Manager by email and send a Records Management System (RMS) link for the incident.
   - Using the Taser on an animal may be documented on an information card.
   - Document how the Taser cartridge(s) and related items were impounded following the incident.
   - When documenting the number of cycles applied, if a single complete five-second application is given, refer to this as one cycle. If that cycle is interrupted, indicate why and how. If additional cycles are necessary, refer to them as indicated above.

9. Review FIELD Order 1203/Factors Influencing Use of Force/FACTORS to CONSIDER when preparing to write a thorough report narrative.

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DR Narrative – Report use of force in the supplement section of the DR in the Records Management System (RMS) every time any level of force is used above routine handcuffing procedure.

1.  **Officer Injury**
   a.  When an officer is injured, a verbal report or interview may take the place of a written report, until the officer is able to complete the written report.
   
   b.  Investigators assigned to the case may complete the use of force reporting requirements if the officer is injured.

2.  **Supervisors** – Review all DRs involving use of force and advise your chain of command of any use of force incidents that may result in a citizen complaint, involves mandatory review of use of force actions, or use of force actions not within policy.

**Use of Force Reporting in RMS for Statistical Data**

1.  Except for an officer involved in the use of deadly force, complete whenever a suspect engages in defensive resistance during arrest, or when using force above routine handcuffing procedure.

2.  Forward use of force reporting in mandatory review of use of force action through the chain of command.

3.  Once approved by the chain of command, Internal Affairs (IA) will assign for review, as needed.

4.  The use of force supplement pages included in RMS are in addition to the requirement of documenting the incident in the narrative section and are used as a statistical gathering device, not an investigative tool.

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