

  POLICE DEPARTMENT	PROCEDURE	Page 1 of 8	Procedure File No 31-101A
	Subject Use of Force	Supersedes No.	Previous Date 07/17/2014
	Approved By <i>Chuck Jordan, Chief of Police</i>	Date Approved 08/15/2014	Effective Date 08/28/2014

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

PURPOSE OF CHANGE:

To clarify language for the use of deadly force.

POLICY:

The Tulsa Police Department places the highest value on the preservation of life. Personnel will use only that force which is objectively reasonable. Reasonableness is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene at the time of the incident and on whether the officer's own reckless or deliberate conduct during the seizure unreasonably created the need to use such force.

The use of unnecessary or excessive force will result in departmental discipline and may create personal liability for the officer with civil and/or criminal penalties. Actions that do not meet the spirit of this policy will neither be condoned nor tolerated merely because the acts were lawful.

The *Use of Force Continuum* is included as a guide in the appropriate use of force. It is recognized that it cannot be rigidly applied in rapidly unfolding and fluid situations. Officers should generally use the level of force which can reasonably be expected to succeed in controlling the situation. Officers are not required to move in a hierarchical fashion through all the levels of control, but instead, should use that level of force which is appropriate and reasonable under existing circumstances.

Deadly force may be used if the officer has probable cause to believe that the suspect poses an imminent threat of serious physical harm, either to the officer or others, to defend an officer or others from the threat of immediate physical harm from a dangerous animal, or to destroy a seriously injured animal when other dispositions are impractical and when approved by a supervisor.

An officer may use deadly force when making an arrest or preventing an escape from custody following an arrest. The officer must reasonably believe that such force is necessary to prevent the arrest from being defeated by resistance or escape, there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious physical harm, and the escape of the subject poses an imminent threat to the officer or others. Deadly force may also be used if the person to be arrested is attempting to escape by use of a deadly weapon (21 O.S. 732). When feasible, a verbal warning will be given to the offender prior to the use of deadly force.

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The use of deadly force is not authorized when its use would constitute a greater threat to innocent human lives than the actions of the suspect. Officers or employees must always be aware of the probable and possible result of their use of force. Officers or employees are never justified in using deadly force in a reckless manner disregarding the safety of themselves, other officers, or innocent bystanders. Officers or employees must identify and acquire the specific threat before using deadly force.

Officers or employees shall not use tactics solely to justify the escalation of force when such escalation of force would not otherwise be appropriate (e.g., it would not be appropriate for an officer or employee to step in the path of a moving vehicle solely to justify the use of great or deadly force as self defense).

For the purpose of this policy, use of any firearm to discharge a projectile composed of any material which may be reasonably expected to cause death or great bodily injury is considered deadly force and shall only be employed in circumstances where the use of deadly force would be justified. The use of a flexible baton, kinetic baton, PepperBall launcher, breaching gun, or any similar launcher or munitions will not be considered deadly force when used as trained and designed as a less lethal alternative.

There will be an administrative review immediately following any use of deadly force. The Detective Division will conduct a criminal investigation into any use of deadly force. The Deadly Force Review Board will review all uses of deadly force referred to it by the Chief of Police. The Board reviews the administrative and criminal investigations, as well as testimony from officers and witnesses, when necessary.

GREAT FORCE		
Deadly Force Applications, KOI Kinetic Baton, and the 12-Gauge Flexible Baton	Likely to produce great bodily injury or death, likely to cause bodily injury	Calculated to Incapacitate (STOP)
INTERMEDIATE FORCE		
Police Canine Bite, Impact Weapons, Physical Control Holds, Electronic Control Devices, Pepperball Launchers, OC Spray, Vehicle Containment, Chemical Munitions, Flash Sound Diversionary Devices	No expectation of great bodily injury or death, some possibility of injury, involves some pain compliance techniques	Calculated to Control and/or Overcome
LOW FORCE		
Firm Grip or Gesture, Verbal Commands, Uniform Presence	Little expectation of injury, low visual impact	Calculated to Gain Compliant Behavior

SUMMARY: Procedures for the use of force.

APPLIES TO: All police personnel

DEFINITIONS:

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DEADLY FORCE – that force which is likely to cause death or serious physical harm.

IMMEDIATE THREAT – a significant threat that an officer reasonably believes will result in death or serious physical harm to the officer or others. The threat is not limited to being instantaneous. A person may pose an immediate threat even if they are not at that moment pointing a weapon at the officers or others.

LATERAL VASCULAR NECK RESTRAINT (LVNR) – any choke, sleeper, or similar hold that is intended to disrupt the flow of blood or oxygen to the brain which would result in a temporary loss of consciousness.

SERIOUS PHYSICAL HARM/GREAT BODILY HARM – injury that causes a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

USE OF FORCE CONTINUUM – a visual representation of force options designed to facilitate an understanding of appropriate levels of force by officers.

WEAPONLESS CONTROL TECHNIQUES – gestures, verbal commands, or physical control holds utilized to gain compliance from a subject.

PROCEDURES:

A. USE OF FORCE REPORTS

1. In other than testing or training situations, personnel will complete a *Use of Force Report* as soon as possible and forward it to the Chief of Police through the chain of command when the following force is used:
 - a. OC spray.
 - b. Electronic Control Device (ECD).
 - c. PepperBall launchers.
 - d. Physical control holds which result in an injury requiring medical attention or are alleged to have resulted in injury to another person.
 - e. Impact weapons/force (e.g., baton and fist).
 - f. Police canine bite.
 - g. KO1 kinetic baton and the 12-gauge flexible baton.
 - h. Vehicle containment.
 - i. Chemical Munitions.
 - j. Flash Sound Diversionary Devices.
2. When force is used, only one *Use of Force Report* per incident need be completed. The report shall include the names of all personnel utilizing force. The on-scene supervisor will ensure that the report is completed as soon as possible.
3. When a firearm is accidentally discharged or an injured or vicious animal is shot, the officer shall complete an *Interoffice Correspondence* explaining the details of the circumstances to the officer's division commander. The division commander will also review and forward all findings and recommendations to the Chief of Police.

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<p>4. All <i>Use of Force Reports</i> will be reviewed by Internal Affairs (IA) for possible eligibility in the Employee Tracking and Assistance Program (ETAP).</p> <p>5. IA will complete an annual documented analysis of all <i>Use of Force Reports</i>. This analysis will include conclusions, recommendations, and proposals. The analysis is due July 1.</p> <p>6. When the use of deadly force involves a department-issued or approved firearm or department-issued weapon in accordance with the <i>Uniform Specifications Manual</i>, the investigatory process shall be applicable to both on-duty and off-duty incidents.</p> <p>B. NOTIFICATIONS</p> <p>1. When force is used that requires a use of force report, an employees will notify a field supervisor as soon as possible.</p> <p>2. Supervisors will notify a shift commander, the on-call Captain, or Staff Duty Officer.</p> <p>3. When deadly force is used, shift commanders, on-call Captain, or the Staff Duty Officer will notify IA and the Detective Division as soon as possible, except when a firearm is accidentally discharged or an animal is shot and no additional injuries or property damage occurs.</p> <p>4. When the use of deadly force results in property damage or an injury requiring first aid or medical treatment, notify the Detective Division.</p> <p>5. When the use of force results in serious injury or death, request that Public Safety Communications (PSC) notify the following personnel in accordance with 31-308, <i>Staff Representation After Hours</i>:</p> <ul style="list-style-type: none"> a. On-call IA Investigator. b. On-call Captain/Staff Duty Officer. c. The officer's division commander. d. The Bureau deputy chiefs. e. The Chief of Police. f. The on-call Public Information Officer. g. The Tulsa Police Department Legal Advisor. h. On-duty Captain i. The Police Chaplain <p>6. Evaluate the incident and determine the need for further notifications (e.g., CIRT).</p> <p>C. DEADLY FORCE INCIDENTS</p> <p>1. Upon arrival, a supervisor shall assign an officer to remain and "walk through" the scene with Detectives.</p>		

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<p>2. The officer(s) or employee(s) directly involved in the use of deadly force will go directly to the Detective Division when relieved from the scene. An uninvolved officer shall accompany them to maintain the evidentiary chain of custody. The officer(s) or employee(s) shall remain at Detective Division until chain of custody issues have been resolved.</p> <p>3. The Detective Division will conduct a criminal investigation upon notification of the use of deadly force.</p> <p>4. The involved officer(s) or employee(s) will remain available for the Detective Division to contact and schedule an in-depth interview at their earliest convenience.</p> <p>5. The involved officer(s) or employee(s) may be represented by legal counsel, if desired, during the criminal investigation.</p> <p>6. The Detective Division will submit an <i>Interoffice Correspondence</i> to the Chief of Police by 0800 hours on the day following the occurrence, outlining the following:</p> <ol style="list-style-type: none"> The need for the force used. The type of force employed. How and where the force was employed. Additional information regarding the use of force (e.g., injuries, backdrop, witnesses). <p>7. The Chief of Police or designee may place involved officer(s) on administrative leave pending the results of the criminal investigation.</p> <p>8. The weapon used in a deadly force incident will be given to Detectives and will be sent to the lab for testing. While the weapon is being tested, the division commander or shift commander will ensure that the officer has a weapon to carry until their weapon is returned. Upon completion of the testing, the weapon will be returned to the officer as soon as possible by the Detective Division.</p> <p>D. ADMINISTRATIVE REVIEW PROCESS</p> <p>1. After receiving a clearance sheet from the DA regarding the criminal investigation of a use of deadly force incident, IA will conduct an administrative investigation on:</p> <ol style="list-style-type: none"> On-duty employees of the Tulsa Police Department, or an on-duty Tulsa Police Reserve Officer, or any other person acting in concert with Tulsa Police Officers. Off-duty employees of the Tulsa Police Department or an off-duty Tulsa Police Reserve Officer when the use of deadly force involves a department issued or approved firearm as described in the <i>Uniform Specifications Manual</i>. Employees of the Tulsa Police Department or a Tulsa Police Reserve Officer who accidentally discharges their firearm which causes injury to any person. 			

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<ol style="list-style-type: none"> a. Thoroughly review the criminal investigation report. b. Thoroughly review the administrative investigation completed by IA. c. Hear direct testimony from officers and witnesses when necessary. <ol style="list-style-type: none"> 6. The Board will develop findings and make recommendations to the Chief of Police in the following areas: <ol style="list-style-type: none"> a. Whether the use of deadly force complied with policy. b. Tactical considerations. c. Training considerations. d. The quality of supervision. e. The process and the quality of the post-incident investigation. 7. The Chief of Police will review all findings and forward the decision to the officer's or employee's bureau deputy chief. 8. The Chief of Police will report the decision and any resolutions along with the Board's findings to all sworn personnel. 9. The Bureau Deputy Chief will review and forward the findings along with the Chief's decision to the officer's or employee's division commander. 10. The division commander will review and initiate the required action. 11. Data and/or statistics related to the use of deadly force will be identified at the Deadly Force Review Board meetings and directed to the Training Division to be incorporated into training when appropriate. 		
<p>REGULATIONS:</p>		
<ol style="list-style-type: none"> 1. When officers or employees use the level of force described in procedures A.1. and A.3., they shall make the appropriate reports and notifications as set forth in this policy. 2. Officers or employees shall not discharge firearms for the purpose of warning shots or for any indiscriminate use. Officers or employees shall use firearms only as authorized by this policy. 3. Officers or employees shall identify and acquire a specific threat/target before using deadly force. 4. The use of LVNR or a similar neck restraint is not authorized. 5. Officers shall use only that force which is objectively reasonable. 6. Any time the actions of an officer or employee result in injury or alleged injury to another person, once the subject is properly restrained, officers will perform the following: 		

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<p>a. Render necessary first aid.</p> <p>b. Request EMSA to respond to the scene, if appropriate.</p> <p>c. Immediately notify a supervisor.</p> <p>7. Only personnel who have been trained, and have demonstrated proficiency in the use of, departmental-authorized weapons will be approved to carry such weapons.</p> <p>8. Agency personnel will be issued a copy of, and be instructed in, the content of this policy before being authorized to carry lethal and less lethal weapons.</p> <p>9. A report must be submitted whenever an employee takes an action that results in, or is alleged to have resulted in, injury or death of another person. This report will be either a <i>Use of Force Report</i>, an <i>Interoffice Correspondence</i>, or a statement to the Detective Division as outlined in this policy. If serious bodily injury or an injury that could result in death occurs, this report will be completed by Detective Division as outlined in C.6. Field supervisors will ensure that reports on any other injuries are completed.</p>		
<p>REFERENCES:</p>		
<p>21 O.S. 732 31-101B, <i>Roadblocks</i> 31-101C, <i>Vehicle Containment</i> 31-101D, <i>Use of OC Spray</i> 31-101E, <i>Use of Electronic Control Devices</i> 31-308, <i>Staff Representation After Hours</i> 31-304C, <i>Employee Tracking and Assistance Program</i> <i>Uniform Specifications Manual</i> CALEA 1.2.2, 1.3.1-1.3.10, 1.3.12, 1.3.13, 11.4.5, 12.2.1, 41.2.3, 52.2.3, 52.2.7, 82.2.1</p>		