

5. To quell rioting.
 6. Against subjects interfering with an arrest.
 7. Any situation where the officer can clearly articulate the need to deploy this device.
- (c) Authorization for use of chemical agent, other than personal/individual issue, may not ordinarily be given by an officer below the rank of sergeant; and the use of a chemical agent for crowd control or riot control must ordinarily be authorized by an officer of the rank of lieutenant or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.
- (d) Immediate medical treatment is required to determine the degree of injury suffered by the suspect. This medical check shall be documented on the UOF report and the GSS&C. If the prisoner is jailed, the officer will notify detention facility personnel that a less lethal weapon was used.
6. POLICE SERVICE DOGS
- (a) Police service dogs, when properly utilized are a useful resource. They are particularly useful in searches, tracking, and apprehension of suspects and protection of officers.
- (b) When it is believed a suspect may be armed with a weapon likely to cause injury or death to the police service dog, the dog will be used at the discretion of the handler.
- (c) A police service dog may be used in a reasonable manner as determined by the handler, to search when the following conditions exist:
- (d) When the suspect is actively evading arrest.
- (e) When the suspect is believed to be hiding in an area where the use of a canine would reduce the threat to officers or the public.
- (f) A police service dog may be used to apprehend a suspect at the discretion of the handler and in accordance with Canine Unit Policies and Procedures.
- (g) Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
- (h) Should a police service dog injure a subject during an arrest, the canine officer/handler will request medical assistance, after first securing the suspect and the arrest scene.
- (i) The injury will be reported in accordance with the requirements of OMS 105.01.
- (j) Deployment of a police service dog during an arrest must comply with the requirements of the Use of Force policy and the Colorado Revised Statute.

105.03 Shooting By and/or of Police Officers

- (1) When a police officer fires a weapon as a result of contact with a person, whether or not that person is killed or wounded, the dispatcher shall be immediately notified. I-Call communication may be requested if officers wish to reduce the number of persons who may receive the broadcast information. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Radio and telephone conversations are tape recorded and will be available for use in the investigation. This procedure will also apply when an officer is wounded or killed.
- a. The dispatcher will immediately follow Communications Bureau procedures by notifying the following as required:
 1. Ambulance.
 2. Sufficient patrol coverage.
 3. The on-duty District Commander.
 4. The on-duty Homicide and/or General Assignment Detectives.
 5. The Crime Laboratory.
 6. The Investigation Division Communications Desk.
 7. The on-call District Attorney.
 8. The Division Chief of Patrol.
 9. The Coroner's Office, if a death is involved.
 - b. The Investigation Division Communications Desk will immediately notify the following: (If after hours, the call-out list shall be used by the Communications Bureau)
 1. The on-call Police Shoot Team.
 - (a) Homicide Supervisor
 - (b) Primary and Secondary Homicide Investigators
 2. The Commander of Crimes Against Persons.
 3. The Division Chief of Investigations.
 4. The Public Information Officer.
 5. The Chief of Police.
 6. The Manager of Safety.
 7. The involved officer(s)' Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer(s)' family.
 8. The involved officer(s)' Division Chief.

- (2) Activities relating to the Person/Officer who has been shot are as follows:
- a. Use appropriate first aid.
 - b. Remove the person/officer to the hospital by ambulance if any possibility of life exists.
 - c. One officer should accompany the victim (dead or alive) to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
 - d. If the victim is a suspect on whom a hold order is placed, notify the Sheriff's Office.
 - e. If the victim is a police officer, notify his Commander who will arrange for an officer guard. See Sec. 505.10(5).
- (3) The senior officer at the scene is immediately responsible for crime scene protection.
- (4) The responsibilities of the ranking patrol officer at the scene of a Police Shooting include, but are not limited to, the following:
- a. To protect the crime scene, using appropriate manpower and methods.
 - b. To determine what has occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, the officer involved will be asked for general information which will indicate the area to be protected and the evidence to be sought. Detailed statements are inappropriate at this time.
 - c. To ensure that the involved officer maintains his weapon in its condition at the completion of the shooting event, making no changes to the weapon, except to make the weapon safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited for crime scene documentation. The involved officer shall maintain custody of his firearm until relinquished to Crime Laboratory personnel, who will make arrangements to loan the officer a replacement weapon. An investigator from the Homicide Unit shall document this transfer. The weapon will be retained until released by the Homicide Unit or the Commander of the Crimes Against Persons Bureau.
 - d. To assign a supervisory officer to transport the involved officer to headquarters and remain there with him/her. Those allowed access to the officer are investigators of the Police Shooting Team, the officer's Commander, his/her attorney and the District Attorney. All others must be approved by the Commander of Crimes Against Persons.
 - e. To provide the dispatcher and responding detectives with all available information.
 - f. To assist and follow the directives of the senior member of the Criminal Investigation Division in compliance with Section 13.12.
 - g. To assign an officer to make an Offense Report. If the suspect or other person is wounded by an officer, the title will be "Shooting by a Peace Officer." If an officer is wounded, the title will be "Assault on a Peace Officer." If any person/officer is killed, the title is "Homicide." When it is an officer who has fired the shot(s), the person shot is listed as the victim and the officer doing the shooting is listed as the person reporting. His/her signature is not required. The suspect section is left blank and the narrative kept brief.
 - h. To make an After Action Report, insuring that a copy is routed to the Homicide Unit. A copy of the personnel detail(s) for that day should be attached for all districts or other units which covered the scene.

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- i. To insure that a DPD Form 12, Use of Force Report is completed
 - 1. The front of the form will be used to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report."
 - 2. A copy of the After Action Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to Internal Affairs Bureau, with one copy to the Bureau Commander and one copy to the respective Division Chief.
 - j. To insure that ALL officers who respond to the scene or assist in any way, submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.
- (5) The investigation of a shooting by a peace officer will be a cooperative endeavor between the Denver Police Department and the Denver District Attorney's Office. The investigation will be under the command of the Division Chief of Investigations or his designee. All normal and appropriate investigative techniques will be used including, but not limited to, the following:
- a. The crime scene will be fully processed and documented using diagrams, photographs and video tape recordings.
 - b. Statements will be taken as soon as practical following the shooting. These statements may be written, formal, tape recorded or video taped. At the discretion of the commander of the investigation, the statements may be taken under oath. The order of taking statements is generally civilian witnesses first, followed by officer witnesses. The officer who fired the shots will usually be interviewed last.
 - c. The officer involved in the shooting may have an attorney present for legal assistance. The officer will be advised in accordance with the "Officer Advisement in Police Shootings" form. The "Miranda Warning", Internal Affairs Bureau "Garrity Advisement," or ordered statements under City Charter C5.73-6, will generally not be used unless a crime or serious department rule violation is suspected.
 - d. The Internal Affairs Bureau will participate only at the request of the Division Chief of Investigations, his designee or the Chief of Police. This participation only involves those cases where a crime or serious rule violation is suspected.
 - e. Media inquiries should be referred to the Division Chief of Investigations or his designee. This will generally be the Public Information Officer.
 - f. The Command Officer in charge of the investigation will prepare a synopsis of the incident on DPD Form 200, directed to the Chief of Police. Copies will be sent to the Mayor, Manager of Safety, Division Chief and Commander of the involved officer and the Internal Affairs Bureau. This must be done prior to going off duty.
 - g. The determination of whether criminal charges are fileable in a police shooting case is solely the responsibility of the Denver District Attorney's Office. Officers are not to publicly speculate as to what this decision will be. The District Attorney will inform the Chief of Police in writing of his decision following the completion of the investigation and a thorough review of the case. The District Attorney's review and filing decision is based on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies which have a different legal level of proof.

- (6) Consideration for the involved officer following the investigation of the Police Shooting:
- a. If a death has resulted, the officer will be removed from any line duty assignment, pending the results of an administrative review.
 - b. Excused days may be arranged by the officer's own command. Temporary or permanent assignment changes may be considered in cases with extenuating circumstances.
 - c. If serious injury or death has resulted, Psychological Services will be required within one week of the incident to contact the involved officer. The purpose of the Psychological Services interview is not to investigate the officer's actions or assess his/her fitness for duty. This will remain the prerogative of the commanding officer. Absolute confidentiality will be maintained and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview such as family members, fellow officers, or members of the Critical Incident Trauma Team (CITT).
 - d. The commanding officer of the principals involved in a shooting incident will notify them of the above provisions. Additionally, the commanding officer will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, the commanding officer will be notified by Psychological Services so that such arrangements will be made. No other exchange of information will be made without the express written consent of the officer before the interview.
 - e. In the event of a civil suit against the City and the officer, legal representation is provided by the City Attorney's office. The only exceptions would be if the officer was acting out of the scope of his employment or neglected to notify the Civil Liability Bureau of the potential action for a lawsuit.

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105.04 Discharge of Firearms

- (1) Officers shall not discharge any firearm in the performance of their duties except as authorized by law and the rules, regulations and procedures of the Department.
- (2) Safe handling of firearms is required by all members of the Department during the course of their duties and at all times by officers carrying a firearm while off duty.
- (3) A police officer may resort to the lawful use of firearms under the following conditions when he reasonably believes that it is necessary:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force (C.R.S. §18-1-707); or
 - b. To effect an arrest, or to prevent the escape from custody of a person whom he reasonably believes:
 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 2. Is attempting to escape by the use of a deadly weapon; or
 3. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay (C.R.S. 18-1-707).
 4. The following definitions will be applied to all of Section 105.04(3)a. and b:
 - (a) REASONABLE BELIEF: When facts or circumstances the officer reasonably believes, knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
 - (b) DEADLY PHYSICAL FORCE: That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
 - (c) SERIOUS BODILY INJURY: A bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
 5. It is necessary, "when feasible", to give some warning before engaging in the use of deadly force. If possible, identify yourself as a police officer, give the command you want followed, and state your intention to shoot.
 - c. To kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
 - d. To participate in authorized training at a target range.
 - e. To participate in any legitimate sporting activity.
- (4) Officers will not discharge firearms under the following conditions:
 - a. At another person unless the circumstances are such that the officer would be justified under the law if the shot killed the person.
 - b. As a warning or attention shots.

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- c. Firing at or from moving vehicles: Except in self defense or defense of another from what the officer reasonably believes to be the use or imminent use of deadly physical force.
 - d. Firing shots where there is likelihood of serious injury to persons other than the person to be apprehended.
- (5) When an officer discharges a weapon for any reason and no one is injured or killed, or if it is unknown if a person is injured or killed, the dispatcher will be notified immediately. NOTE: if injury or death is involved, the procedure in Section 105.03 is in effect.
- a. When an officer is required to kill an animal for humane reasons or because it is dangerous, AND the following criteria are present: **All expended rounds are accounted for and no persons were endangered**, the following shall occur.
 1. The officer's supervisor shall respond to the scene and handle the investigation.
 2. A determination shall be made that no persons were endangered and that all rounds are accounted for.
 3. Photographs should be taken at the scene by Y-91, (or, if Y-91 is not available, Polaroid photos can be taken).
 4. Statements shall be obtained from all officers and civilian witnesses.
 5. An offense report shall NOT be completed.
 6. An After Action Report (DPD 286) and a Use of Force Report (DPD 12), shall be completed and shall include the relevant information, the officer(s) involved, the weapon and type of ammunition used, and the owner and disposition of the animal carcass. Radio shall notify the State Wildlife Department when applicable.
 7. Copies of all reports shall be sent to:
 - (a) The Commander of Crimes Against Persons Bureau.
 - (b) Civil Liability Unit.
 - (c) Internal Affairs Bureau.
 8. Any questions should be referred to the on-call Crimes Against Persons, Assault Unit Supervisor.
 - b. With the exception noted in 105.04(5)a, the dispatcher shall immediately follow Communications Bureau procedures by notifying the following:
 1. The on-duty or on-call Crimes Against Persons assault supervisor.
 2. The on-duty District Commander who shall notify the officer's immediate supervisor.
 3. NOTE: Incidents occurring outside the metropolitan Denver area shall be covered at the discretion of the Crimes Against Persons Bureau supervisor contacted.
 - c. The officer's supervisor shall immediately respond to the scene.
- (6) The senior officer at the scene is immediately responsible for protection of the scene.

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- (7) The responsibilities of the ranking supervisory officer at the scene of a non-injury weapon discharge include, but are not limited to:
- a. To protect the scene, using appropriate personnel and methods.
 - b. To determine what has occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, the officer involved will be asked for general information which will indicate the area to be protected and the evidence to be sought. Detailed statements are inappropriate at this time.
 - c. To ensure that the involved officer maintains his weapon in its condition at the completion of the shooting event, making no changes to the weapon, except to make the weapon safe. Empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited for crime scene documentation. The involved officer shall maintain custody of his firearm until relinquished to the Crime Laboratory detectives who respond to the scene. The weapon will be retained until all testing has been completed.
 1. The Crime Laboratory will make arrangements to loan the officer a weapon until such time as the involved weapon can be returned.
 2. In certain cases, the responding detective or supervisor assigned to Crimes Against Persons may determine that testing of the weapon is not necessary, for example, when all expended rounds are accounted for. When this determination has been made, the officer's weapon may not be taken.
 - d. To provide the dispatcher and responding detectives with all available information.
 - e. To assist and follow the directives of the senior member of the Criminal Investigation Division, in compliance with Sections 14.12 and 14.13.
 - f. To assign an officer to make an Offense Report. The Offense Report will be titled "Discharge of a Weapon".
 - g. **TO INSURE THAT ALL OFFICERS WHO RESPOND TO THE SCENE OR ASSIST IN ANY WAY SUBMIT INDIVIDUAL STATEMENTS DETAILING THEIR DUTIES AND OBSERVATIONS TO THE ASSAULT UNIT PRIOR TO GOING OFF DUTY.** Civilian witnesses will be identified and statements obtained.
 - h. In all cases, the responding supervisor will submit an After Action Report (DPD Form 286) through the chain of command, insuring that a copy is routed to the Assault Unit. A copy of the daily detail(s) for all districts or other units which covered the scene should be attached.
 - i. NOTE: If the incident occurred outside the City, an After Action Report is still required.
 1. If the involved officer is assigned to the Patrol Division, the responding Crimes Against Persons detective and/or supervisor will contact the on-duty commander of the station to which the officer is assigned. This shift commander will ensure that an After Action Report is filed and sent through proper channels.
 2. If the involved officer is assigned to any other division, the responding Crimes Against Persons detective and/or supervisor will be responsible for completing and processing the After Action Report.
 - j. To insure that a DPD Form 12, Use of Force Report is completed
 1. The front of the form will be used to report the appropriate information. The narrative on the reverse side may indicate, "See After Action Report."
 2. A copy of the After Action Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to Internal Affairs Bureau, with one copy to the Bureau Commander and one copy to the respective Division Chief.

- (8) A thorough investigation will be conducted.
 - a. The scene will be processed and documented as necessary.
 - b. Statements will be taken as soon as practical following the shooting. These statements may be written, formal, tape recorded or video taped. The order of taking statements is generally civilian witnesses first, followed by officer witnesses. The officer who fired the shots will usually be interviewed last.
 - c. The Internal Affairs Bureau will participate at the request of the Division Chief of Investigations, his designee, the Chief of Police or the officer's commander. This participation involves only those cases where a crime or rule violation is suspected.
 - d. Media inquiries should be directed to the Public Information Officer.

- (9) When the investigation is completed, the file will be submitted to the Commander of the Crimes Against Persons Bureau. The Commander of the Crimes Against Persons Bureau will forward the case to the Chairman of The Firearms Discharge Review Board for review at the next meeting, in accordance with Section 105.05.

105.05 Firearms Discharge Review Board

- (1) The Chief of Police has established a Firearms Discharge Review Board which will examine all firearm discharges by active members of the Department, except those incidents described in Section 105.04(3)d. & e. The Board is investigative in nature and responsible for making recommendations on administrative justification, administrative case filings, Department policy modifications, training and commendations. The Board is empowered to classify a case as Unfounded, Exonerated, Not Sustained, or Sustained, and specify what disciplinary action should be taken.
 - a. The Board review of any case where a person has been injured or killed will be scheduled after the completion of the investigation and the Chief of Police has received a written decision from the District Attorney stating whether or not criminal charges will be filed. The responsibility for notifying the Board that the case is ready for review rests with the Commanding Officer of the Internal Affairs Bureau or his designee.
 - b. The Board review on non-injury firearm discharges will be scheduled after a final report on the incident has been completed. The responsibility for notifying the Board that the case is ready for review rests with the Commanding Officer of the Internal Affairs Bureau or his designee.
- (2) The Board is authorized to take all appropriate steps in its review of firearm discharge incidents, including, but not limited to the following:
 - a. The Board shall review all reports, photographs, video tapes, statements and other documents relating to the incident.
 - b. The Board is empowered to call any officer witnesses needed for further clarification.
 - c. The Board may invite any civilian witnesses to appear who are needed for further clarification.
 - d. The Board may direct additional investigation be conducted by those responsible for the report being reviewed.
 - e. The Board must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of Department rules and regulations.
- (3) Following full review of the shooting incident, the Board has the following responsibilities:
 - a. If the Board has concluded that the shooting incident meets the conditions approved by Sec. 105.04(3) and no Departmental Rules or Regulations have been violated, the Chief of Police will be notified of this fact in writing. Copies of this notification will be provided to the involved officer, his/her Commander and Division Chief. One copy will be placed in the involved officer's Internal Affairs Bureau file subject to purge at periods specified by the Chief of Police.

- b. If the Board has concluded the shooting incident does not meet the conditions approved by Section 105.04(3), or that Departmental Rules or Regulations appear to have been violated, the Chief of Police will be notified of this fact in writing. The Board will document the areas which it considers to be deficient and its reasoning. A copy of this report recommending an Administrative Case Filing will be forwarded to the Commander of the Internal Affairs Bureau. The Internal Affairs Bureau will be responsible for investigating the specific points the Board has found to be deficient. At the conclusion of the investigation, the case will be resubmitted to the Board for an administrative finding and penalty recommendation, if applicable. As in all other disciplinary matters, final authority and responsibility rests with the Chief of Police.
 - c. The Board will make recommendations to the Chief of Police for any modification of the Department's Firearms Policy as defined in the Operations Manual.
 - d. The Board will make recommendations to the Chief of Police and the Training Bureau for improvements or additions to the Firearms Training Program used in Recruit Training, In-Service Training, or Roll Call Training.
 - e. The Board will make recommendations to the involved officer's Commander and to the Commendations Board in those cases where it feels commendations should be considered.
- (4) All records of the Board are to be considered confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.
- a. EXCEPTION: The Homicide Unit's investigation into any case where an officer has shot and wounded or killed a person becomes public record if the District Attorney determines no criminal charges are fileable. Interested persons may review the District Attorney's copy at his office.
 - b. Original investigative case files in those situations where an officer has shot and wounded or killed a person will be stored under the case number by the Records Section subject to purge at periods specified by the Chief of Police.
 - c. Data involving each injury and non-injury firearm discharge will be stored in the officer's Internal Affairs Bureau file subject to purge at periods specified by the Chief of Police.
- (5) Board membership and responsibilities
- a. The membership of the Firearms Discharge Review Board will be composed of the following persons:
 - Division Chief of the Patrol Division
 - Division Chief of the Criminal Investigation Division
 - Division Chief of the Special Operations Division
 - Division Chief of the Technology and Support Division
 - Bureau/District Commander of the Officer Involved in the incident
 - b. The Commanding Officer of Internal Affairs Bureau is the Chairman of the Board.
 - 1. The Chairman will determine the date and time of the meeting in compliance with Section 105.05(1)a. & b., and will notify the other Board Members.
 - 2. The Board will be called within a reasonable time after the final report of a Firearm Discharge.
 - 3. The Chairman is responsible for any reports required of the Board. He may delegate this duty to an IAB staff member. The Chairman is a non-voting member of the Board.
 - 4. Board findings will be by majority rule.

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- (6) Should any member of the Board recognize a conflict of interest on an individual case due to a relationship with the involved officer, the member will be excused and a temporary replacement will be appointed by the Chief of Police.
- (7) Should any member of the Firearms Discharge Review Board be unavailable to attend a meeting for any reason, that member will be replaced by a temporary member appointed by the Chief of Police.

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105.06 Weapons - Requirements and Inspection

- (1) Officers will equip themselves with handguns of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer with the approval of the Chief of Police.
 - a. Prior to purchasing a handgun for official use, officers may obtain a copy of DPD Form 30, Handgun Purchase Authorization. The use of this form eliminates the requirement to submit to the CBI Background Check required by Colorado Law. Officers are to submit the form to THEIR commanding officers for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the gun dealer prior to the purchase of the weapon or magazines.
 - b. This form is required to purchase post-ban, high capacity magazines.
- (2) The Chief Firearms Officer, with the approval of the Chief of Police, shall prepare a list of handguns which are approved for carry and use in each of the five (5) categories. The list shall be displayed at the Firearms Bureau and will be published quarterly in the Denver Police bulletin. The list shall be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police. The five (5) categories of authorized firearms are as follows:
 - a. Uniform: This category lists the handguns approved for uniform carry. Officers shall carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
 - b. Plain Clothes: This category lists the handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
 - c. Administration: This category lists the handguns approved for carry by non-uniform administrative officers. The administrative status of a Denver Police Department officer's assignment will be determined by the Division Chief in charge of that officer's assignment.
 - d. Off-duty/back-up: This category lists the handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off-duty or back-up use.
 - e. Utility: This category lists handguns approved for carry while performing specialized functions. The unit commander will determine the necessity for utilization of this category.
- (3) Inspection of weapons. All firearms must be inspected, function tested, and approved by the Firearms Bureau prior to being carried either on or off-duty.
 - a. An annual inspection of all firearms will be required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each weapon will be inspected and fired for qualification once in each calendar year.
 - b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Bureau Officer for inspection and approval prior to being carried.
 - c. Qualification must be accomplished prior to carrying the weapon.

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- (4) Repairs to firearms. Officers assigned to the Firearms Bureau are authorized to repair certain approved firearms. The following applies to in-house repairs.
- a. The firearm(s) in question must be an approved firearm.
 - b. Department owned firearms shall not be altered in any way, except by Firearms Bureau personnel or by order of the Chief of Police.
 - c. The officer reserves the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs shall be borne by the officer. After repair or alteration by any person or firm other than the Firearms Bureau, the firearm must be submitted to the Firearms Bureau for inspection and approval prior to being carried.
 - d. In the event that needed repairs are of such nature that factory repair is required, personally owned firearms shall be returned by the officer to the factory for repair at the officer's expense.
 - e. Loaner handguns will be provided by the Firearms Bureau under the following conditions:
 1. The firearm being repaired is a departmentally approved firearm.
 2. The loaner must be of the same make, model and barrel length as the one being repaired, if available.
- (5) Method of carrying handguns
- a. All semi-automatic handguns will be carried in departmentally approved directional draw holsters and shall be worn on the strong side. These holsters must have the following: safety strap, covered trigger and retention method. These requirements apply to the following categories of firearms:
 1. Uniform
 2. Plain clothes
 3. Administrative
 4. Off duty
 - b. Officers hired prior to 1990 may choose to carry a revolver. These revolvers will be carried in holsters approved by the Firearms Bureau.
 - c. Officers hired prior to 1983 may continue to carry a crossdraw holster.
- (6) Cleaning and loading firearms
- Officers shall clean, repair, load or unload firearms only in those locations designated by the building manager. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisory officer for inspection or training purposes, or in the official performance of duties.
- (7) "Heavy" firearms
- a. Approved heavy firearms, in terms of machine guns, rifles and gas equipment, as authorized by the Chief of Police, may be carried in the field only on order of the commanding officer present. No personal or unauthorized heavy equipment, including privately owned shotguns, shall be carried without prior authorization of the officer's Division Chief.
 - b. Shotguns, when carried routinely in police cars, shall not have a round in the chamber. Rounds will be carried in the magazine. Rounds which are chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the shotgun to the police vehicle.

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- c. Heavy firearms maintenance will be performed by Firearms Bureau personnel on departmentally owned weapons. All unit commanders shall cause heavy firearms assigned to their units to be routinely inspected and cleaned.
- d. Only ammunition deemed appropriate by the Firearms Bureau will be used in these weapons.

(8) Report of firearm purchase, loss or replacement. (Use of DPD form 30)

- a. Officers shall file an Offense Report when a firearm is lost by any means. Offense Reports concerning the loss of any firearms shall contain all pertinent facts and information surrounding the incident.
- b. Officers using Form DPD 30 to purchase either weapons or magazines are reminded that disposition of these weapons must be in compliance with Federal Law.

(9) Ammunition

All officers shall load their firearms and carry on their person only ammunition issued or approved by the Firearms Bureau. Officers are prohibited from carrying reloaded ammunition of any kind.

- a. Ammunition, both service and practice, will be furnished by the Department for standard firearms.
- b. Ammunition for non-standard firearms is the responsibility of the individual officer. All ammunition for nonstandard firearms must meet the requirements of the Chief Firearms Officer. Officers will load their firearms with and carry on their persons only ammunition specifically approved by the Chief Firearms Officer.

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105.07 Firearms Bureau

- (1) The Firearms Bureau Commander shall be in charge of the Firearms Bureau and all its facilities. This officer will also be known as the Chief Firearms Officer.
- (2) The Assistant Chief Firearms Officer shall be a supervisory position assigned to the Firearms Bureau.
- (3) Firearms Training Officers. These individuals shall be chosen from the ranks of 1st Grade Patrolman, Technician or Detective. This position will carry the rank of Technician, and will be assigned to the Firearms Bureau.
- (4) Range Operations
 - a. Rules, regulations and procedures for operations at the Denver Police Department Firearms Training facilities shall be posted in a conspicuous place and be strictly adhered to at all times.
 - b. All firearms that are to be inspected and used at the Denver Police Firearms Facilities will be unloaded and cleared in the area provided outside the entrance doors to the Range.
 - c. Clean firearms policy. All firearms to be used on the Denver Police Firearms Facilities will be cleaned prior to inspection by Firearms Bureau personnel before being fired. In addition, all firearms will also be cleaned immediately after being fired. This cleaning procedure will be completed in the area provided. The Shoot Slip will be issued only after the weapon is re-inspected by the firearms personnel. (Officers are strongly urged to wash their hands after cleaning their weapon and prior to returning to duty.)
 - d. All visitors must be accompanied by a Denver Police Department Officer and shall be governed by the posted rules and regulations. No children are allowed in range facility without prior approval from the Chief Firearms Officer or designee.
 - e. Any person(s) who are not members of the Denver Police Department must have written permission from the Chief of Police or his designee and the Chief Firearms Officer before being permitted to use these facilities.
 - f. All officers shall wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
- (5) Firearms Proficiency
 - a. All officers of the Denver Police Department are required to shoot once during each shoot quarter and achieve a passing score on the course of fire specified by the Firearms Bureau.
 1. Any Officer who, for any reason, fails to attend firearms training during any quarter will be required to make up the missed shoot during the following quarter along with remedial training if deemed necessary by Firearms Training personnel. It is the officer's responsibility to make necessary arrangements.
 2. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from two or more shoot quarters will attend Remedial Training if the officer fails to qualify upon their return.

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- b. An unexcused failure to shoot for qualification during a scheduled shoot quarter shall constitute a violation of this section with the following penalties:
1. First violation will result in a fine of one (1) day.
 2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
 3. The Chief of Police or his designees may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders shall be imposed separate and apart from the provisions of section 105.07 (5) b. 1 or 2, and the penalty therefore may be imposed, based on the officer's entire history of failing to shoot for qualification.
- c. After each shoot quarter, reports will be generated by the Firearms Bureau delineating the following:
1. Officers who failed to attend.
 2. Officers who failed to qualify.
 3. Officers who did qualify, their scores and the firearm they qualified with. This list will include officers who qualify after each remedial training course.
- d. Remedial Training
1. Officers failing to qualify with either a revolver or semiautomatic during any regularly scheduled shoot quarter will be required to attend Remedial Training conducted by the Firearms Bureau, until such time as they can qualify.
 2. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
 3. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
- e. Passing score for each shoot quarter is 80% of the approved course.
- f. Officers who have received firearms training with a revolver and wish to carry a semiautomatic pistol must:
1. Complete the Denver Police Department revolver to semi-auto pistol Training Program.
- g. Officers who choose to change weapons systems must complete the Denver Police Department/Semi-Auto Pistol Transition Training Course.
- h. Prior to carrying any Departmentally approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that weapon.
- i. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized handgun. The Chief Firearms Officer shall maintain written records describing the course of fire. Such record shall contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.

REV. 3-99

105.08 Denver Police Urban Rifle Program

- (1) The Denver Police Department authorizes the use of a Colt AR-15, Model 6530, .223 rifle, fixed stock, 16" barrel with iron sights (Urban Rifle) to be carried by certain officers in their normal duty assignment.
 - a. The authorization to carry an Urban Rifle is a privilege and can be revoked at anytime, for any reason, by an officer's respective Division Chief.
 - b. Blatant violations of this policy will result in revocation of the privilege to carry an Urban Rifle.
- (2) The rifle is to be carried in the trunk of the police car with the chamber empty, no magazine in the weapon, safety on, in the hard case.
- (3) The rifle is not authorized to be carried in the shotgun rack of any vehicle at any time.
- (4) Officers shall be selected and certified based on the following criteria:
 - a. Officers must have exhibited proficiency with a handgun, scoring 90% average or above for the previous one year period.
 - b. Officers must be first grade.
 - c. Officers must be recommended and approved by their commander.
 - d. Officers must attend and pass a mandatory training course and annual in-service course to be conducted by range personnel.
 - e. Quarterly rifle and handgun proficiency shooting courses must be maintained at 90% yearly average or above.
- (5) Initial training consists of a 40-hour certification course, quarterly qualification and an annual 8 hour in-service class.
- (6) The formal updated training curriculum will be on file at the Firearms Training Bureau.
- (7) Officers would only deploy the Urban Rifle under the following circumstances:
 - a. At the direction of their supervisor; or
 - b. When an officer can clearly articulate need where the deployment of a handgun or shotgun would not be sufficient to neutralize the threat.
- (8) Officers deploying a rifle would function as a cover officer, with no other duties such as searching or handcuffing until the weapon is secured in the patrol car.
- (9) Deployment will be tracked by documentation on a Form 200, or After Action Report shall be sent to the range for compilation of statistics. The documentation will include: Initial call type, reason for deployment and the outcome of the call.
- (10) When an officer is transferred, promoted, leaves the department, or is no longer certified to carry an Urban Rifle, the weapon assigned to that officer, along with the rifle sling, carrying case, extra magazine, magazine pouch, rifle cleaning kit, all ammunition, and any other issued rifle equipment, shall be returned to the Firearms Section where it will be inventoried and stored until being reassigned.

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- (11) Unassigned Urban Rifles will be stored at the Firearms Section until the next training class, when the weapon will be assigned to another officer, in order to replace Urban Rifle vacancies left in various assignments due to transfers, promotions, etc.
- (12) Additional officers will be trained to serve as alternates to ensure that a pool of potential replacements is maintained for officers who are no longer certified to carry Urban Rifles.
 - a. Alternates will maintain a yearly handgun proficiency of 90%.
 - b. Alternates will attend the mandatory forty-hour initial training and the annual eight-hour in-service training.
 - c. When an alternate officer has been chosen as a replacement, they must sight their weapon and successfully complete a quarterly rifle qualification prior to being assigned an Urban Rifle.

***144 LOS ANGELES POLICE
DEPARTMENT MANUAL
VOLUME 1 - POLICY
LAW ENFORCEMENT
OPERATIONS**

556. USE OF FIREARMS

556.10 PREAMBLE TO THE POLICY ON THE USE OF FIREARMS. The use of a firearm is in all probability the most serious act in which a law enforcement officer will engage. It has the most far-reaching consequences for all of the parties involved. It is, therefore, imperative not only that the officer act within the boundaries of legal guidelines, ethics, good judgment, and accepted practices, but also that the officer be prepared by training, leadership, and direction to act wisely whenever using a firearm in the course of duty.

A reverence for the value of human life shall guide officers in considering the use of deadly force. While officers have an affirmative duty to use that degree of force necessary to protect human life, the use of deadly force is not justified merely to protect property interests.

It is in the public interest that a police officer of this Department be guided by a policy which the people believe to be fair and appropriate and which creates public confidence in the Department and its individual officers.

This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force. Such a policy must be viewed as an administrative guide for decision-making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a

given incident.

556.20 NECESSITY THAT OFFICERS BE ARMED. As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.

556.25 REASON FOR THE USE OF DEADLY FORCE. An officer is equipped with a firearm to protect himself or others against the immediate threat of death or serious bodily injury or to apprehend a fleeing felon who has committed a violent crime and whose escape presents a substantial risk of death or serious bodily injury to others.

***145 556.30 PROTECTION OF GENERAL PUBLIC.** Regardless of the nature of the crime or the justification for firing at a suspect, officers must remember that their basic responsibility is to protect the public. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create a substantial immediate threat of death or serious bodily injury.

556.35 MINIMIZING THE RISK OF DEATH. An officer does not shoot with the intent to kill; the officer shoots when it is necessary to prevent the individual from completing what he/she is attempting. In the extreme stress of a shooting situation, an officer may not have the opportunity or ability to direct his shot to a nonfatal area. To require him/her to do so, in every instance, could increase the risk of harm to himself/herself or others. However, in keeping with the philosophy that the minimum force that is necessary should be used, officers should be aware that, even in the rare cases where the use of firearms reasonably appears necessary, the risk of death to any person should be minimized.

556.40 THE USE OF DEADLY FORCE. An

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officer is authorized the use of deadly force when it reasonably appears necessary:

- To protect himself or others from an immediate threat of death or serious bodily injury, or
- To prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury, or
- To apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed.

Officers shall not use deadly force to protect themselves from assaults which are not likely to have serious results.

Firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons.

Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable.

556.50 JUSTIFICATION LIMITED TO FACTS KNOWN TO OFFICER.

Justification for the use of deadly force must be limited to what reasonably appear to be the facts known or perceived by an officer at the time he decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify a shooting.

***146 556.55 SUSPECTED FELONY OFFENDERS.** An officer shall not fire at a person who is called upon to halt on mere suspicion and who simply runs away to avoid arrest. Nor should an officer fire at a "fleeing felon" if the officer has any doubt whether the person fired at is in fact the person against whom the use of deadly force is permitted under this policy.

556.60 YOUTHFUL FELONY SUSPECTS.

This Department has always utilized extreme caution with respect to the use of deadly force against youthful offenders. Nothing in this policy is intended to reduce the degree of care required in such cases.

556.70 SHOOTING AT FLEEING MISDEMEANANTS. Officers shall not use deadly force to effect the arrest or prevent the escape of a person whose only offense is classified solely as a misdemeanor under the Penal Code.

556.75 FIRING WARNING SHOTS. Generally, warning shots should not be fired.

556.80 DRAWING OR EXHIBITING FIREARMS. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

Note: During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a valid interpretation of this Section:

"Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm."

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556.90 USE OF THE URBAN POLICE RIFLE AND SHOTGUN SLUG AMMUNITION.

In performing its mission to protect the people of this City, the Department equips officers with weapons sufficient to control most field situations. In determining the type of weapons and ammunition routinely carried by field officers, a careful balance must be achieved between our urban setting and the degree of danger we face. For anticipatable events which pose a higher degree of danger, special units are equipped and trained to use more powerful weapons consistent with the anticipated threat level. However, unanticipatable field situations occasionally arise which require immediate access to specialized weapons in order to control the situation and protect the community as well as the officers responding to the incident.

*147 In recognition of this need, the Department has authorized the field deployment of special weapons and ammunition. However, these weapons and ammunition may only be deployed by specially trained field officers including trained supervisors, and absent an immediate threat of death or serious bodily injury which precludes waiting for approval, supervisory

approval is required prior to using these weapons and ammunition during a field situation.

The Urban Police Rifle (UPR) and Shotgun Slug Ammunition (SSA) may be used to assist officers who respond to an unplanned and spontaneous incident involving a suspect(s) who is wearing protective body armor, believed to be armed with or who has immediate access to a high powered weapons, or who is believed to be armed and situated in a distant or fortified location which affords the suspect(s) a tactically superior position. The use of UPRs and SSA is intended to minimize the risk of death or serious bodily injury to officers as well as members of the community. Generally, the UPR should not be deployed indoors because of the weapon's penetration capability. Though the deployment of the UPR and SSA is usually restricted to spontaneous events, the Chief of Police or the Department Commander may authorize their deployment on a pre-planned basis for station defense, in conjunction with a Mobile Field Force or in other extraordinary, high-risk emergency events. In every case, deployment of the UPR and SSA shall be in accordance with the Department's Use of Force Policy including all of its reporting requirements.

3-01/025.00 USE OF FORCE

This section reinforces the Department's Core Values concerning reverence for human life.

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, or the danger to the community, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and Deputy personnel have a duty to protect the lives of others.

3-01/025.10 UNREASONABLE FORCE

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the circumstances presented to Department members at the time the force is applied. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

Head strikes with an impact weapon are prohibited unless circumstances justify the use of deadly force.

5-09/431.00 DEPUTY-INVOLVED SHOOTINGS IN GENERAL

Immediate action shall be taken to care for the injured, to apprehend suspects and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

The involved Deputies shall then be immediately transported, by a supervisor, if possible, or if not, by uninvolved Deputies, to the Station, Unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made.

The Watch Commander or Supervising Lieutenant is responsible for immediately notifying Homicide Bureau following any incident in which shots fired by a Deputy at another person cause injury or death, and in any incident in which a Deputy is shot. The Watch Commander or Supervising Lieutenant is also responsible for immediately notifying the IAB on-call Lieutenant following any Deputy-involved shooting, including those in which no one is hit or injured, as well as after accidental discharges and the shooting of animals. (See section entitled, "Professional Standards and Training Division Response Teams.") The Watch Commander shall immediately notify the Unit Commander anytime a PSTD response team is activated. The Unit Commander shall respond anytime a Deputy shoots at a person, as well as anytime a Deputy is shot. If the location of the shooting is outside the County, the Unit Commander shall evaluate the incident and determine whether an immediate response is in order.

Except under exigent circumstances, a Deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the PSTD response team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by PSTD response team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which a Professional Standards and Training Division response team responds and conducts a shooting review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review; however, Unit level personnel will not produce a shots fired or incident review. The Watch Commander/Supervising Lieutenant shall be responsible for securing the

incident scene and identifying and sequestering witnesses as appropriate. In Deputy-involved shooting incidents, witness interviews shall be conducted by Homicide

investigators or, when no hit has occurred, by PSTD response team members. Response team members may request Unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

5-09/432.00 DEPUTY - INVOLVED SHOOTINGS - PERSON HIT

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

5-09/432.05 SUPERVISOR'S RESPONSIBILITIES

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED, THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN CONDUCT INTERVIEWS.

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in

shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to homicide investigators.

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

5-09/432.10 UNIT RESPONSIBILITY - DEPUTY SHOT

A Sergeant or Lieutenant from the injured Deputy's Unit shall respond to the hospital to act in a liaison role between medical personnel and Department personnel. This supervisor is responsible for organizing the information flow between the hospital and the Department, arranging security details (if appropriate), maintaining order and communicating with the Health and Safety Unit.

5-09/432.15 HOMICIDE BUREAU'S RESPONSIBILITIES

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the PSTD response team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur.

5-09/432.20 PROFESSIONAL STANDARDS AND TRAINING DIVISION RESPONSIBILITY

The Professional Standards and Training Division response teams are responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section 5-09/434.00).

5-09/432.25 DEPARTMENT PSYCHOLOGIST

Personnel involved in shooting incidents or other life threatening events often experience significant trauma. Incidents that can result in trauma include: wounding or fatally shooting, firing or attempting to fire, being fired upon and other life threatening events such as struggling with an armed suspect who has a position of advantage. These circumstances have the potential to affect the performance and health of the

employees involved. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days or weeks later.

It is the responsibility of the concerned Unit Commander to arrange a debriefing between a Department psychologist and all personnel involved in any shooting incident described above, no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing.

The Department psychologist will only confirm that this first appointment was kept, but will not provide any information on the content of the session unless the employee requests such disclosure.

Employee Support Services will contact each employee for a recommended follow-up debriefing at six months. If attended, the debriefing shall be compensated under the provisions of the Memorandum of Understanding. Unit Commanders should encourage attendance at these confidential debriefings geared to preventing problems related to the shooting or life threatening incident. The employee may also request a confidential follow-up session at any time after the first session.

There are times when entire Units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

In all shootings involving death or serious injury, the employee who fired the weapon or was fired upon shall be temporarily reassigned to an interior post position for a minimum of five days.

In addition to the above, Unit Commanders should encourage those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a

debriefing. Such events include traumatic traffic collisions, death of an infant or child during a rescue operation, career threatening injuries, death of a partner or close work mate and physical confrontation with a suspect or inmate which involves substantial danger to the employee.

5-09/432.30 COMMUNICATIONS AND RUMOR CONTROL

The Homicide Bureau Lieutenant is responsible for updating the concerned Unit Commander concerning significant developments of any Homicide Bureau investigation.

He is also responsible for providing information to the Sheriff's Headquarters Bureau to allow timely notification of the media.

The concerned Unit Commander, once he has been briefed by the Homicide Lieutenant, is responsible for the timely notification of his Area Commander, Division Chief, the Assistant Sheriff, the Undersheriff and the Sheriff or his executive assistant.

The Homicide Bureau is responsible for preparing a comprehensive memo concerning the facts of the incident. This memo shall be directed to the Sheriff from the Chief of the Detective Division. Distribution will be made to major Department executives, PSTD Headquarters, the IAB Unit Commander and the concerned Divisions. This memo shall be available at the beginning of the next business day following the shooting. The information shall be simultaneously furnished to the Sheriff's Headquarters Bureau, which is responsible for preparing Department messages to all Units for rumor control.

5-09/432.35 STATISTICAL COMPILATION - SHOTS FIRED BY OR AT DEPUTIES - NO PERSON WOUNDED OR KILLED

The Internal Affairs Bureau is responsible for the total compilation of all shots fired data. All Division headquarters are required to enter such information into the CARS system by the 4th business day of each month, for statistical purposes. Internal Affairs Bureau shall then forward a composite report to the Sheriff.

5-09/433.00 DEPUTY - INVOLVED SHOOTINGS - NO ONE HIT

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at

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the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

Professional Standards and Training Division response teams shall conduct an administrative review of all situations in which Deputy personnel fire at another person and miss, as outlined in the next section.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.

5-09/434.00 FORCE/SHOOTING RESPONSE TEAMS AND EXECUTIVE REVIEW

To enhance the Department's quality assurance and control, and ensure Department-wide consistency in our review process, Force/Shooting Response Teams shall respond to and investigate certain force and high-risk incidents and prepare reports that include, but not be limited to, the following: multi-perspective reviews of the incident; reviews of adherence to policy and performance standards; reviews of adherence to Department training; recommendations for changes in policy and training; assessments of the civil liability the Department is exposed to by our operations and procedures; and reviews of other pertinent issues.

The Force/Shooting Response Teams consist of representatives from various Department Units, such as Internal Affairs Bureau, Training Bureau, Civil Litigation, Traffic Services, Medical Services, Risk Management, Custody Training, etc., depending on the type of incident and the expertise required.

5-09/434.05 ACTIVATION OF FORCE/SHOOTING RESPONSE TEAMS

Watch Commanders and Supervising Lieutenants are required to make immediate notification to the on-call IAB Lieutenant whenever any of the following occur:

- a) All shootings by any Department member, both on-duty and off-duty, including accidental discharges and the destruction of animals,
- b) All incidents in which Deputy personnel are shot,
- c) Hospitalizations due to injuries caused or allegedly caused by any Department member,
- d) Skeletal fractures caused or allegedly caused by any Department member,
- e) Significant force used by any Department member during or following a vehicular or foot pursuit,
- f) All large party situations where force is used,

- g) Injury or complaint of injury to a person's head, or neck area resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to O.C. spray.),
- h) All head strikes with impact weapons,
- i) Canine bites resulting in medical treatment,
- j) Any death following a contact with any Department member,
- k) Inmate deaths from other than obvious natural causes. This includes murders, suicides, overdoses, etc.,
- l) Injury or complaint of injury to a person's head, as a result of their head striking an object, i.e., wall, door jam, metal bars, etc., due to force used by a Department member or as the result of accidental circumstances.

The on-call IAB Lieutenant shall evaluate the information and determine if a response team activation is appropriate. The on-call Lieutenant shall also determine the appropriate makeup of each team and will cause the notification of those personnel. The following types of incidents shall require mandatory activation of a Force/Shooting Response Team by the on-call IAB Lieutenant which may consist of an IAB Lieutenant, an IAB Force/Shooting Response Team, and a representative from the Training Bureau or Custody Training:

- m) All shootings in which a shot was intentionally fired at a person by a Department member,
- n) Force resulting in admittance to a hospital,
- o) Any death following an altercation with any Department member,
- p) All head strikes with impact weapons,
- q) Skeletal fractures caused or allegedly caused by any Department member,
- r) All large party situations where force is used.

The members of the Force/Shooting Response Teams will prepare thorough, fully informative analysis reports specific to their area of expertise. All reports shall be prepared within thirty (30) business days of an incident and forwarded to Captain of Internal Affairs Bureau, who is responsible for ensuring timely submission of the reports.

A copy of all reports will be sent to the concerned Unit Commander for his information. The Captain of Internal Affairs Bureau is responsible for establishing an incident file containing the Force/Shooting Response Team's reports, and for ensuring that they are entered into the Personnel Performance Index.

If at any time the response team IAB Lieutenant determines that an administrative investigation is warranted, he shall brief the concerned Unit Commander, and with the concurrence of the concerned Division Chief, he shall direct the IAB investigators to commence an investigation. If it is determined that the conduct of any Department member may have been criminal in nature, the Force/Shooting Response Team Lieutenant shall immediately notify the concerned Unit Commander, and with

concurrence of the concerned Division Chief, turn the investigation over to the Internal Criminal Investigations Bureau.

5-09/434.10 ACTIVATION OF PSTD TRAFFIC COLLISION RESPONSE TEAM

See section 5-05/010.00

5-09/434.15 EXECUTIVE FORCE REVIEW COMMITTEE

Each Force/Shooting Response Team report, as well as any administrative investigation which results from a Force/Shooting Response Team roll-out, is evaluated by the Executive Force Review Committee. The committee is comprised of three Area Commanders, one of whom is from Training Division and acts as the chairperson.

The Commanders are provided with copies of all appropriate portions of the Force/Shooting Response Team packages to be evaluated prior to each Executive Force Review Committee meeting. In addition to reports from the Internal Affairs Bureau, these packages may include reports from Homicide Bureau, the Training Bureau, and the Risk Management Bureau, or any other Unit as deemed appropriate. Based upon these reports, the committee evaluates each incident and determines whether the conduct of the personnel was within Department policy. Additionally, the Executive Force Review Committee evaluates the tactics employed, whether the actions of the personnel were consistent with current training, and the proper use and/or possession of equipment.

The Executive Force Review Committee meets regularly. The concerned employee's Unit Commander also attends, as well as the Internal Affairs Bureau investigator who wrote the IAB report, and representatives of the Training Bureau. Upon initial review of the incident, the Executive Force Review Committee may request additional inquiry by Internal Affairs Bureau investigators if there are areas needing clarification, or the committee may request a formal administrative investigation be conducted if it appears that the conduct may involve violations of Department policy. Upon the completion of this additional review or investigation, the package is returned to the committee

chairperson and the incident is again brought before the Executive Force Review Committee for final determination.

The chairperson reports the findings and recommendations of the Executive Force Review Committee in a memorandum to the concerned employee's Unit Commander. If the employee's conduct is deemed to be in violation of Department policy, the specific Manual of Policy and Procedures section(s) violated are identified. Exemplary performance or conduct is also cited and appropriate commendation recommended. Recommendations to debrief personnel, provide additional training, or conduct counseling are also included in the findings and recommendations memoranda. Issues concerning tactics in current use, training curriculum deficiencies or the need for

revision of Department policy are also identified and direction is given to the appropriate Unit to make changes in training and/or policy.

The Response Team reports and the Executive Force Review Committee's findings and recommendations are forwarded to the concerned Unit Commander. Within thirty (30) business days, the concerned Unit Commander evaluates the material, acts on the recommendations, documents his/her actions, and forwards the package via the concerned Unit's Division Chief for approval, back to the committee chairperson. If the Executive Force Review Committee has determined that violations of policy occurred, the concerned Unit Commander shall determine the appropriate discipline and prepare a disposition sheet for each employee that was deemed to have violated policy.

In the event the Unit Commander disagrees with the findings and recommendations of the Executive Force Review Committee, the dissent must be justified in a memorandum to his/her Division Chief. With the concurrence of the concerned Unit's Division Chief and the appropriate Assistant Sheriff, the Executive Force Review Committee's recommendations may be overruled.

The concerned Unit Commander shall ensure adherence to recommendations of the Executive Force Review Committee. Actions taken must be documented by the concerned Unit Commander on the "Unit Commander's Response" form contained within the package, which is then forwarded to the committee chairperson.

The entire Force/Shooting Response Team package, including all reports and documents describing the Executive Force Review Committee's findings and recommendations, the Unit Commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, is maintained by the staff of the Executive Force Review Committee. All appropriate data bases are updated from the information provided within the Force/Shooting Response Team package.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Page 1 of

Incident Information						
URN:		Date:			Time:	
Location:						
City or Station:						
Bureau/Station/Facility:					Admin. Investigation:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Employee Witnesses						
Emp. #	Last Name	First Name		Middle Name		
Emp. #	Last Name	First Name		Middle Name		
Emp. #	Last Name	First Name		Middle Name		
Non-Employee Witnesses						
Last Name		First Name		Middle Name		Age D.O.B.
Street Address			City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name		Age D.O.B.
Street Address			City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name		Age D.O.B.
Street Address			City	Zip Code	Work Ph.	Home Ph.
On Duty Supervisor						
Emp. #	Last Name	First Name	Middle Name	Rank	Present YES <input type="checkbox"/> NO <input type="checkbox"/>	Witness to Incident YES <input type="checkbox"/> NO <input type="checkbox"/>
Emp. #	Last Name	First Name	Middle Name	Rank	Present YES <input type="checkbox"/> NO <input type="checkbox"/>	Witness to Incident YES <input type="checkbox"/> NO <input type="checkbox"/>
Watch Sergeant						
Emp. #	Last Name	First Name		Middle Name		
Watch Commander						
Emp. #	Last Name	First Name		Middle Name		

Watch Commander's Signature: _____ Emp #: _____

Copy Provided to Employee by: _____ Emp #: _____

Supervisor Completing Form: _____ Emp #: _____
(Print)

Unit Commanders Signature: _____ Emp #: _____ Date Signed: _____

PSTD Use Only
FO#

Original: Unit Commander
 Copy: P.S.T.D. Headquarters,
 Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN:

Method

- | | | |
|--|---|---|
| (AW) Arwen | (FH) Firearm (Handgun) | (PO) Personal Weapon (Other) |
| (BC) Baton: (Control) | (FR) Firearm (Rifle) | (RS) Resistance |
| (BI) Baton: (Impact) | (FS) Firearm (Shotgun) | (CN) Restraint Device (Capture Net) |
| (BF) Bodily Fluids | (FO) Firearm (Other) | (RH) Restraint Device (Handcuffs) |
| (CN) Canine | (FB) Flashbang | (HB) Restraint Device: Hobble (Legs Only) |
| (CR) Carotid Restraint | (FL) Flashlight | (TP) Restraint Device: Hobble (TARP) |
| (CH) Choke Hold | (OE) Other Weapon: Edged | (RE) Restraint Device: REACT Belt |
| (CT) Control Holds: (Control Techniques) | (OV) Other Weapon: Vehicle | (SP) Sap |
| (TT) Control Holds: (Team Takedown) | (OB) Other Weapon: Blunt Object | (SH) Shield |
| (TD) Control Holds: (Takedown) | (OO) Other Weapon: Other | (SG) 37mm Stinger |
| (CE) Chemical | (PK) Personal Weapon: Feet/Leg: (Kick) | (SB) Sting Ball |
| (OC) Chemical Agents (OC Spray) | (PS) Personal Weapon: Feet/Leg: (Sweep) | (ST) Stun Bag |
| (TG) Chemical Agents (Tear Gas) | (PH) Personal Weapon (Hand/Arm) | (TR) Taser |
| (EX) Explosives | (PP) Personal Weapon (Push) | (UC) Uncooperative |

Type of Injury

- | | | |
|------------------------|-------------------|----------------------------|
| (AB) Abrasion | (DB) Dog Bite | (PA) Paralysis |
| (BR) Bruise | (FR) Fractures | (PW) Puncture Wound |
| (BU) Burn | (GS) Gunshot | (SD) Soft Tissue Damage |
| (CP) Complaint of Pain | (HB) Human Bite | (ST) Sprain/Twists |
| (CO) Concussion | (LC) Lacerations | (UN) Unconscious |
| (DH) Death | (ND) Nerve Damage | (RM) Refused Med Treatment |
| (DI) Dislocation | (OD) Organ Damage | (NN) NONE |

Body Part Injured

- | | | |
|---------------|---------------|---------------|
| (AD) Abdomen | (FA) Face | (HI) Hip |
| (AK) Ankle | (FE) Feet | (IN) Internal |
| (AR) Arm | (FI) Fingers | (KN) Knees |
| (BK) Back | (GE) Genitals | (LE) Leg |
| (BT) Buttocks | (GR) Groin | (NK) Neck |
| (CH) Chest | (HD) Hands | (NO) Nose |
| (EL) Elbow | (HE) Head | (SH) Shoulder |
| | | (WR) Wrist |

FORCE APPLIED

(Only One Code Per Block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)

See Front Side

Supervisor's Report on Use of Force INVOLVED EMPLOYEE INFORMATION

URN: _____

Page ___ of ___

Involved Employee						
E __	Employee #	Last Name	First Name	Middle Name		
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):		
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:
Medical Exam/Treatment <input type="checkbox"/>	If Admitted, Name of Hospital: _____			Coroner Case #	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>
E __	Employee #	Last Name	First Name	Middle Name		
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):		
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:
Medical Exam/Treatment <input type="checkbox"/>	If Admitted, Name of Hospital: _____			Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>
E __	Employee #	Last Name	First Name	Middle Name		
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):		
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:
Medical Exam/Treatment <input type="checkbox"/>	If Admitted, Name of Hospital: _____			Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>
E __	Employee #	Last Name	First Name	Middle Name		
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):		
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:
Medical Exam/Treatment <input type="checkbox"/>	If Admitted, Name of Hospital: _____			Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>
E __	Employee #	Last Name	First Name	Middle Name		
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):		
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift	<input type="checkbox"/> OT Shift	<input type="checkbox"/> Off Duty	Age:	Height:
Medical Exam/Treatment <input type="checkbox"/>	If Admitted, Name of Hospital: _____			Coroner Case#	Directed Force <input type="checkbox"/>	Significant Force <input type="checkbox"/>

Supervisor's Report on Use of Force SUSPECT INFORMATION

URN:

Page of

Suspect Information										
S	Last Name			First Name			Middle Name			
	AKA Last Name			First Name			Middle Name			
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:			City:		State & Zip Code:		
	Work Phone:		Home Phone:		Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>	
	Booking #:		Primary Charge:			Secondary Charge:		Criminal History <input type="checkbox"/>		
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:			Coroner Case#:		Mental History <input type="checkbox"/>			
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____				Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO					
	Date:		Time:		Audiotape: <input type="checkbox"/>		Videotape: <input type="checkbox"/>			

Suspect Information										
S	Last Name			First Name			Middle Name			
	AKA Last Name			First Name			Middle Name			
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:			City:		State & Zip Code:		
	Work Phone:		Home Phone:		Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>	
	Booking #:		Primary Charge:			Secondary Charge:		Criminal History <input type="checkbox"/>		
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:			Coroner Case#:		Mental History <input type="checkbox"/>			
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____				Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO					
	Date:		Time:		Audiotape: <input type="checkbox"/>		Videotape: <input type="checkbox"/>			

Suspect Information										
S	Last Name			First Name			Middle Name			
	AKA Last Name			First Name			Middle Name			
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Street Address:			City:		State & Zip Code:		
	Work Phone:		Home Phone:		Age:	Height:	D.O.B.	Weight:	Armed? <input type="checkbox"/>	
	Booking #:		Primary Charge:			Secondary Charge:		Criminal History <input type="checkbox"/>		
	Hospital Admission? <input type="checkbox"/>	Rec'd Treatment At:			Coroner Case#:		Mental History <input type="checkbox"/>			
	Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: _____				Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO					
	Date:		Time:		Audiotape: <input type="checkbox"/>		Videotape: <input type="checkbox"/>			

Supervisor's Report on Use of Force

URN:

Page ___ of ___

Non-Employee Witnesses (Continuation)				
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name		
Street Address	City	Zip Code	Work Ph.	Home Ph.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

**OFFICER INVOLVED
NON - HIT
SHOOTING EVALUATION**

UNIT: _____

DATE: _____

TIME: _____

LOCATION: _____

URN #: _____

IAB #: _____

NATURE OF INCIDENT:

COMPLETED BY: _____
Internal Affairs Bureau

DATE: _____

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:
GUN TAKE-AWAY:
PERSON(S) ARMED:
PERSON(S) UNARMED:
STARTLE:
UNINTENTIONAL:
DEPUTY IN UNIFORM: <input type="checkbox"/> RAID JACKET: <input type="checkbox"/> PLAIN CLOTHES: <input type="checkbox"/>
VEST WORN:
FOOT PURSUIT:
VEHICLE PURSUIT:
MOVING VEHICLE:
VEHICLE STOP:
TYPE OF HOLSTER:
GUN IN HOLSTER:
STRUGGLE INVOLVED:
ADDITIONAL FACTS AND INFORMATION:

**COUNTY LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA**

WHAT INITIATED INCIDENT		
Call <input type="checkbox"/>	Observation <input type="checkbox"/>	Search Warrant <input type="checkbox"/> Arrest Warrant <input type="checkbox"/>
LOCATION OF OCCURRENCE		
TYPE OF LOCATION		
Residence <input type="checkbox"/>	Business <input type="checkbox"/>	Industrial <input type="checkbox"/> Parking Lot <input type="checkbox"/>
Street <input type="checkbox"/>	Backyard <input type="checkbox"/>	Freeway <input type="checkbox"/> Rural <input type="checkbox"/>
Other <input type="checkbox"/>		
SHOOTING CONDITIONS		
DATE	TIME	DAY
LIGHTING		WEATHER
DISTANCE		
CONTRIBUTING FACTORS		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER						
EMPLOYEE'S NAME						
RANK		EMPLOYEE NO.		UNIT AND DIVISION / REGION OF ASSIGNMENT		
SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE	
DUTY STATUS				HIRE DATE		
UNIFORM	RAID JACKET	PLAIN CLOTHES		VEST		
INJURED			DECEASED	CORONER'S CASE NO.		
DESCRIPTION OF INJURIES						
WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE?				YES []	NO []	
WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW?				YES []	NO []	
WHERE?						
SUPERVISED BY:						
WEAPON USED						
TYPE			AUTHORIZED			
AMMUNITION TYPE			AUTHORIZED			
RANGE QUALIFICATION (LAST DATE)		NO. OF ROUNDS FIRED BY DEPUTY		NO. OF HITS		
DEPUTY'S TOXICOLOGY						
UNDER THE INFLUENCE		TEST FOR CAUSE ORDERED		ORDERED BY		
TRAINING INFORMATION						
LASER VILLAGE TRAINING (LAST DATE)			PRACTICAL POLICE COURSE (LAST DATE)			

DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY		
DATE	UNIT OF ASSIGNMENT	RANK
PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)		
FILE	DATE	TYPE

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME		FIRST NAME			M/I	
ADDRESS						
SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
INJURED		DESCRIPTION OF INJURIES				
SUSPECT'S TOXICOLOGY						
UNDER THE INFLUENCE						
TYPE OF SUBSTANCE			LAB TEST CONDUCTED			
ARMED			TYPE OF WEAPON			
NUMBER OF SHOTS FIRED BY SUSPECT			NUMBER OF HITS			
SUSPECT VEHICLE						
CRIMINAL HISTORY (ATTACH COPY OF RAP'S)						
SUMMARY OF INCIDENT						

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # _____

was interviewed on _____ at _____ hours by _____
of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [] No []

WITNESS # _____

was interviewed on _____ at _____ hours by _____
of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [] No []

WITNESS # _____

was interviewed on _____ at _____ hours by _____
of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [] No []

WITNESS # _____

was interviewed on _____ at _____ hours by _____
of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/her Administrative Rights: Yes [] No []

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

ON SCENE CHECK LIST

HANDLING UNIT	OFFICER IN CHARGE
DIAGRAM LOCATION	PHOTOS OF LOCATION
NOTE ALL VEHICLES INVOLVED IN INCIDENT	
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LICENSE #	DESCRIPTION
LOCATION OF ANY WEAPONS	
LOCATION OF ANY BODIES	
LOCATION OF ANY BLOOD	
COMPLETE WITNESS LIST	
WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE?	YES [] NO []
WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? WHERE?	YES [] NO []
SUPERVISED BY:	
VIDEO TAPE OF SCENE	
IN SERVICE SHEETS	

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT
CASE COMPLETION CHECK LIST

RECORDED RADIO MESSAGES
MDT MESSAGES
STATION LOG PRINT OUT
CAR LOGS
PHONE CALL RECORDINGS PERTAINING TO CASE
PRINTS FROM SCENE
GSR TEST
BLOOD SPATTER EXAM AND ANALYSIS
ALL REPORTS AND DOCUMENTS FROM STATION / UNIT
STATION / UNIT TRAINING RECORDS
ACADEMY TRAINING RECORDS
TRAINING RECORDS FOR EQUIPMENT USED
SUSPECT PERSONAL HISTORY INFORMATION

**INVESTIGATOR'S LOG
DO NOT COPY**

		FILE NUMBER:	
		INVESTIGATOR:	
CASE SUMMARY:			
DATE	ACTIVITY	NAME	

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

9.1 POLICY

It is the intent of the Louisville Metro Police Department that all members recognize the importance of human life, respect basic human rights, and have an intolerant attitude towards abusive treatment of all persons. Bearing this in mind, officers' use of force will be value driven, utilizing only the force reasonable under the circumstances so as to minimize the chance of injury to themselves and others. (Calea 1.3.1 and NOBLE)

Officers are sometimes confronted with situations where control must be exercised to effect arrests and to protect public safety. Control may be achieved through advice, persuasion, warnings, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would reasonably be ineffective under the particular circumstances. When utilizing force, officers shall use only Departmental approved equipment in the use of which the officers are trained, except in emergency situations when an officer may use any resource at their disposal. (Calea 1.3.9) Officers are permitted to use whatever force is reasonable to protect others or themselves from bodily harm.

Officers are required to complete an Administrative Incident Report on all uses of force resulting in any injury or the complaint of any injury to either officers or the subject, or when physical force other than a control hold is used. (Calea 1.3.6)

All use of force resulting in any injury or the complaint of any injury to either officers or the subject, or when physical force other than a control hold is used, will be investigated by a commanding officer pursuant to 9.1.10 of this section.

When such force is used, the officer shall immediately contact his/her commanding officer, who shall respond to the scene and investigate the incident. An Administrative Incident Report will be prepared to document the use of force. The commanding officer shall review the report for accuracy and will make recommendations on the appropriateness of the use of force in the given situation. This report will be forwarded through the chain of command to the Chief of Police. Commanding officers at each level will review the report for accuracy and will comment on the appropriateness of the use of force. For the purposes of this policy, an acting Sergeant is not considered a commanding officer.

9.1.1 DEFINITIONS

Physical force: Force used upon or directed toward the body of another person.

Deadly force: Force, which the officer knows to create a substantial risk of causing death or serious physical injury. Head, neck, throat, or clavicle injuries caused by an impact weapon of any sort can lead to death or serious physical injury. (Calea 1.3.2)

Reasonable belief: When facts or circumstances the officer knows or should know are such to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances. (Calea 1.3.2)

Serious physical injury: A bodily injury that:

- Creates a substantial risk of death to the victim;

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

9.1.1 DEFINITIONS (continued)

- Creates a prolonged impairment of health or prolonged disfigurement; or
- Creates a prolonged loss or impairment of a bodily organ. (Calea 1.3.2)

Special Impact Munitions Systems: Departmentally approved launchers and projectiles, with the ability to incapacitate with reduced potential for death or serious injury.

9.1.2 PROGRESSION OF FORCE

An officer shall, to the extent possible, utilize an escalating scale of options when using force. (NOBLE) However, officers are not required to utilize each of the available assets before escalating to the next asset. The degree of force utilized must be reasonable.

The levels of control in the continuum are:

- Officer Presence
- Verbal Direction
- Soft empty hand control and restraining devices
- Chemical agent
- Hard empty hand
- Impact Weapon
- Deadly Force

9.1.3 USE OF PHYSICAL FORCE

When an officer is confronted with a situation that may necessitate the use of physical force, he should call for additional officers when practical.

Should physical force be used in order to gain control of a situation, an officer shall use only that force which is reasonable to gain control of the subject. (NOBLE) Once a person is restrained or under control, the use of force is restricted to that which is reasonable to maintain control. Good judgment is extremely important in deciding which tactics to use and how much force to apply.

Officers are not required to allow any suspect to be the first to exercise force and gain an advantage in a physical confrontation. Officers are not required to engage in prolonged hand-to-hand combat before resorting to the use of force that will more quickly, humanely, and safely bring a resisting subject under physical control.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

9.1.3 USE OF PHYSICAL FORCE (continued)

The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making or assisting in making an arrest, and he:

- Believes such force is necessary to effect the arrest;
- Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested and believes the arrest to be lawful.

An officer may also use physical force at any level when he believes such force is reasonable in order to:

- Defend himself/herself or
- Defend another person;

Physical force may be used if under the circumstances as the officer believes them to be, the person whom the officer seeks to protect would have been justified in using such force.

Officers may also use physical force:

- To prevent escape of an arrested person when the force could justifiably have been used to make the arrest under which the person is in custody;
- When moving or removing any person who is obstructing a lawful police action in such a manner that the lawful police action cannot be accomplished.
- To prevent a person from committing suicide or inflicting serious physical injury upon himself/herself.

9.1.4 INTERMEDIARY OPTIONS

All on duty officers, both uniform and plainclothes, will have on their person a departmentally approved impact weapon, and/or chemical agent. Having these alternatives available to all on duty personnel will increase an officer's options regarding the level of force when confronted with the necessity to gain control of a suspect.

9.1.5 USE OF CHEMICAL AGENTS

Officers are permitted to carry and use only chemical agents approved by the Department. The use of chemical agents should be consistent with Departmental training.

The use of a chemical agent is authorized in circumstances when the officer reasonably believes that a degree of force is necessary to overcome actual or anticipated resistance by the suspect. (Calea 1.3.4 and NOBLE)

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

9.1.5 USE OF CHEMICAL AGENTS (continued)

Chemical Agents may also be used:

- As physical restraint or control of an aggressive person who is combative and presents a physical danger to himself/herself, the officer or any other person;
- On prisoners who attempt to escape, injure themselves, or damage property;
- In defense of any person.

Pepper Ball Guns:

Pepper ball guns can be utilized for a dual purpose, both as a chemical agent dispersal system and as an impact weapon. Unlike the Specialty Impact Munitions Systems (e.g. 40mm launcher/sock round), the pepper ball guns, when used as an impact weapon, should not cause death, even when striking prohibited areas. However, the head, neck and face should be avoided unless exigent circumstances exist.

9.1.6 POST USE OF CHEMICAL AGENTS

Officers will ensure that contaminated areas are treated in a manner consistent with the manufacturer's recommendations and departmental training as soon as practical.

Officers are required to contact appropriate medical personnel if the subject displays unusual reactions to the chemical agent. (Calea 1.3.5)

9.1.7 USE OF SPECIAL IMPACT MUNITIONS SYSTEMS

Special Impact Munitions Systems should only be utilized by officers trained in their use. These include the 40mm launcher and the sock round, which is fired from designated shotguns.

- The potential exists for specialty impact munitions projectiles to inflict injury or death when they strike the face, eyes, and neck, and officers should avoid intentionally striking those body areas unless a life-threatening situation exists. Each special impact munitions system should be used consistent with the training for that particular system.
- Lethal force backup must be in place as support prior to the deployment of special impact munitions systems.
- Anytime a special impact munition is used, the subject will be transported to the hospital for examination.

9.1.8 IMPACT WEAPONS

Impact weapons are authorized as a means of:

- a. Physical restraint or control:

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 9.1
	Effective Date: 04-17-03 Revised Date: 04-08-03
	Accreditation Standards: CALEA: 1
Chapter: Use of Force	
Subject: Use of Force/Policy	

9.1.8 IMPACT WEAPONS (continued)

- b. Defense of any person.

Because of the potential for death or serious injury, officers will avoid intentional strikes to the head, neck, throat or clavicle with an impact weapon of any sort, unless deadly force is justified. (NOBLE)

9.1.9 USE OF DEADLY FORCE

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified. Deadly force, as with all uses of force, may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective, or exigent circumstances exist.

Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or another. (Calea 1.3.2)

Deadly force is authorized to apprehend a felony suspect when under the facts and circumstances known to the officer, it is reasonable to believe:

1. The arrest is for a felony involving the use of or threatened use of physical force likely to cause death or serious physical injury, and;
2. It is likely that the person to be arrested will clearly endanger human life unless apprehended without delay.

The officer must be able to justifiably articulate his or her actions.

If feasible, verbal warning shall be given before the use of deadly force. Warning shots are not permitted. (Calea 1.3.3) Deadly force is never authorized to apprehend a fleeing misdemeanor or non-violent felony suspect. (NOBLE)

Deadly force is also authorized to prevent the escape of an arrested person when deadly force could justifiably have been used to make the arrest under which the person is in custody (e.g. a serious, violent felony) and the officer believes the person is likely to endanger human life unless apprehended without delay.

Officers are authorized to discharge a firearm for the following purposes:

- In defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury, or as described in section 9.1.9 of this policy.
- As necessary against any animal that is gravely injured or poses a threat to persons, when no other disposition is practical and the safety of persons has been given prime consideration.

Louisville Metro Police Department

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9.1.9 USE OF DEADLY FORCE (continued)

- Training and qualifications.

Officers discharging a firearm should remain cognizant of the following:

- The direction in which the firearm is to be discharged; and
- The danger of discharging a firearm while running or moving.

Officers shall not shoot from or at a moving vehicle unless necessary to return gunfire to protect human life, and when it does not create an unreasonable risk of harm to innocent persons.

9.1.10 DUTIES OF A COMMANDING OFFICER AT A "USE OF FORCE" SCENE.

The Commanding Officer will:

- Conduct a preliminary investigation into the use of force incident.
- Ensure medical treatment has been provided to any injured party.
- Photograph any injuries sustained by officers and/or any damage to equipment, uniforms, or property.
- Photograph the arrested subject to document any injury, or the lack of any injury. At least two stand up photos, one showing the front of the suspect and one showing the back, will be taken of all suspects charged with Resisting Arrest and Assault 3rd Degree of a police officer.
- Note witnesses.
- Ensure an Administrative Incident Report form is filled out correctly and forward through the chain of command or complete the Administrative Incident Report if the officer is unable to do so.

Nothing in this policy shall prohibit officers, when an Administrative Incident Report is not required, from either taking photographs of prisoners to document lack of injury, or from requesting a commanding officer to respond to the scene.

GENERAL ORDER



Title	Use of Force	
Series / Number	GO – RAR – 901.07	
Effective Date	October 7, 2002	Distribution B
Replaces / Rescinds	General Order 901.7 (Use of Force)	
Related to	General Order RAR-901.08 (Use of Force Investigations) General Order RAR-901.09 (Use of Force Review Board)	

DISTRICT OF COLUMBIA

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I. BACKGROUND

The legal limitations on the use of force by District of Columbia law enforcement officers are expressed in D.C. Code § 4-176 (Use of Wanton or Unnecessary Force) and in District of Columbia Municipal Regulations (DCMR), Title 6A, Section 207 (Use of Firearms and Other Weapons).

6A DCMR Section 207.1 provides, among other things, that a member is allowed to “use only the minimum amount of force, which is consistent with the accomplishment of his or her mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.”

6A DCMR Section 207.2, provides, among other things, that no member shall discharge a firearm in the performance of police duties except to “defend himself or herself or herself or another from an attack which the officer has reasonable cause to believe could result in death or serious bodily injury”; or to “effect the arrest or to prevent the escape, when every other means of effecting the arrest or preventing the escape has been exhausted, of a person who has committed a felony or has attempted to commit a felony . . . Provided, that the felony for which the arrest is sought involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury; and provided further, that the lives of innocent persons will not be endangered if the officer uses his or her firearm;”

The Fourth Amendment of the U.S. Constitution guarantees citizens the right “to be secure in their persons . . . against unreasonable . . . seizures” of the person. The Supreme Court has stated that the Fourth Amendment “reasonableness” inquiry 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 “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (Graham v. Connor, 490 U.S. 386, 396-397 [1989]).

With respect to the use of deadly force, the Supreme Court in *Tennessee v. Garner*, 471 U.S. 1, 11-12, held that “[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens an officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.” (CALEA 1.3.2)

II. POLICY

The policy of the Metropolitan Police Department is to value and preserve human life when using lawful authority to use force. Therefore, officers of the Metropolitan Police Department shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. (CALEA 1.3.1)

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

- A. **Deadly Force** – any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.
- B. **Non-Deadly Force** – any use of force that is neither likely nor intended to cause death or serious physical injury.
- C. **Serious Use of Force** – lethal and less-than-lethal actions by MPD officers including:
 - 1. all firearm discharges by an MPD officer with the exception of range and training incidents and discharges at animals;
 - 2. all uses of force by an MPD officer resulting in a broken bone or an injury requiring hospitalization;
 - 3. all head strikes with an impact weapon;

4. all uses of force by an MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;
 5. all other uses of force by an MPD officer resulting in a death; and
 6. all incidents where a person receives a bite from an MPD canine.
- D. **Use of Force** – any physical contact used to effect, influence or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing or hand control procedures that do not result in injury.
- E. **Use of Force Indicating Potential Criminal Conduct by a Member** – includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member.
- F. **Serious Physical Injury** – any injury that results in hospitalization and that creates a substantial risk of death, serious disfigurement, disability or protracted loss or impairment of the functioning of any body part or organ.
- G. **Less-Than-Lethal Weapons** – any object or device deployed with the intent or purpose of eliminating a threat without causing death. These include, but are not limited to, a 37 mm gas gun containing a cloth bag filled with small lead shot pellets, rubber bullets, batons, OC Spray, A.S.P. (Armament System Procedures) tactical batons.
- H. **Use of Force Continuum** – a training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the member's commands. Such response may progress from the member's actual physical presence at the scene to the application of deadly force.
- I. **Objective Reasonableness** – Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.

IV. RULES

- A. No member of the Metropolitan Police Department shall discharge his/her firearm under the following circumstances:
1. As a warning. (CALEA 1.3.3)
 2. Into a crowd.
 3. At or from a moving vehicle, unless deadly force is being used or threatened against the member or another; situations where a moving vehicle itself constitutes the use of deadly force, such as when a subject intentionally tries to run an officer down with his or her vehicle. In those instances, an officer's use of deadly force may be reasonable and justifiable. However, members shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them. (CALEA 1.3.4)
 4. In a felony case which does not involve an actual attack, but involves a threatened attack, unless the member has reasonable cause to believe the threatened attack is imminent and could result in death or serious bodily injury. (CALEA 1.3.2)
 5. In any misdemeanor offense, unless under exceptional circumstances.
 6. Solely to protect property interests.
 7. To stop an individual on mere suspicion of a crime simply because the individual runs away.
- B. No member shall draw and point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or holstered.
- C. When feasible, members shall identify themselves as a police officer and issue a warning before discharging a firearm.
- D. No member of the Metropolitan Police Department, in the normal exercise of his or her responsibilities, shall carry, use or discharge any firearm or other weapon, except those issued or approved for use by the Metropolitan Police Department under direction of the Chief of Police. (CALEA 1.3.9)
- E. No member of the Metropolitan Police Department shall carry, use, or discharge any unauthorized ammunition in their issued service weapons. Members are prohibited from obtaining service ammunition from any source except through official departmental channels. Members are further required to carry only the requisite amount of service ammunition as applicable to the authorized service weapon they are utilizing. (CALEA 1.3.9)

- F. Any excessive force by a member will subject him or her to disciplinary action and possible criminal prosecution or civil liability.
- G. Any violation of these rules will subject members to disciplinary action.

V. REGULATIONS

When force is necessary, District of Columbia regulations require members to use the minimum level of force that is necessary to accomplish a police mission. (CALEA 1.3.1) Members are not required to start at the lowest level of the options listed in the Use of Force Continuum. Members should select the appropriate level of force based on what a reasonable member and the circumstances require (See attached Use of Force Continuum chart).

A. Prompt Medical Attention

When any level of force is used, there shall be a visual and verbal check of the subject to ascertain whether the subject is in need of medical care. Medical assistance shall be summoned immediately if a person is physically injured in any way, complains of pain, or demonstrates life-threatening symptoms. (CALEA 1.3.5)

B. Use of Force Continuum (CALEA 1.2.7)

In determining what level of force to use, it is important to consider the seriousness of the crime, the level of threat or resistance presented by the suspect, the imminence of danger, and the suspect's mental capacity. Only the minimum level of force needed to obtain control that the objectively reasonable officer would use in light of the circumstances shall be used.

All members who encounter a situation where the possibility of violence or resistance to lawful arrest is present should, if possible, defuse the situation through advice, warning and verbal persuasion.

In the event that a situation escalates beyond the effective use of verbal diffusion techniques, members are authorized to employ Department-approved compliance techniques and Department-issued defensive weapons.

1. The Department recognizes and employs the Use of Force Continuum. Members in response to resistant or dangerous individuals may apply escalating options of force (see Use of Force Continuum Chart attached). The options include:
 - a. Cooperative Controls, such as verbal persuasion;
 - b. Contact Controls, such as hand control procedures, firm grip, escort and control holds;

- c. Compliance Techniques, such as Oleoresin Capsicum (OC) Spray (non-deadly);
 - d. Defensive Tactics, such as less-than-lethal weapons, including impact weapons, such as a baton, or ASP, and including less-than lethal projectiles used by the Emergency Response Team and during times of civil disobedience (e.g., 12 gauge shotgun, 37mm gas guns, and rubber bullets), and canines.
 - e. Deadly Force (including deadly applications of less-than-lethal weapons).
2. The patrol supervisor, if present where there is a violent or resisting subject, shall direct and control all activity.
 3. Members shall modify their level of force in relation to the amount of resistance offered by a subject. As the subject offers less resistance, the member shall lower the amount or type of force used. Conversely, if resistance escalates, members are authorized to respond in an objectively reasonable manner. (CALEA 1.3.1)
 4. Issued defensive weapons may be employed in response to the threat level recognized by an objectively reasonable police member in the circumstances as necessary to protect himself/herself or another from physical harm, to restrain or subdue a resistant individual, and to bring an unlawful situation safely and effectively under control.

C. Authorized Use of Non-Deadly Force (CALEA 1.3.4)

1. When using force, members must be able to articulate the facts and circumstances surrounding the force used in any given situation.
2. Only objectively reasonable force may be used to respond to threats or resistance in every situation.
3. A member's decision to use non-deadly force must involve one or more of the following:
 - a. To protect life or property.
 - b. To make a lawful arrest.
 - c. To prevent the escape of a person in custody.
 - d. To control a situation and/or subdue and restrain a resisting individual.

4. A member shall use only that option of force on the Department's Use of Force Continuum that is reasonably necessary to bring the situation under control. If de-escalation does not work, the member may use an increasing level of force to overcome the level of resistance. As soon as the incident is under control, the member's use of force should diminish proportionally. (CALEA 1.3.1)

D. Authorized Use of Deadly Force (CALEA 1.3.2)

1. Defense of Life

- a. Members of the Metropolitan Police Department may use deadly force in the performance of police duties:
 - (1) When it is necessary and objectively reasonable **AND**,
 - (2) To defend himself/herself or another from an actual or threatened attack that is imminent and could result in death or serious bodily injury.
- b. Members shall not draw and point a firearm at or in the direction of a person unless the officer has an objectively reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or re-holstered.

2. Fleeing Felon

Members may use deadly force to apprehend a fleeing felon **ONLY** when every other reasonable means of affecting the arrest or preventing the escape has been exhausted **AND**,

- a. The suspect fleeing poses an immediate threat of death or serious bodily harm to the member or others; **OR** (CALEA 1.3.2)
- b. There is probable cause to believe the crime committed or attempted was a felony, which involved an actual or threatened attack which could result in death or serious bodily harm; **AND**
 - (1) There is probable cause to believe the person fleeing committed or attempted to commit the crime, **AND**
 - (2) Failure to immediately apprehend the person places a member or the public in immediate danger of death or serious bodily injury; **AND**
 - (3) The lives of innocent persons will not be endangered if deadly force is used.

3. Warning to Subject

When feasible, members shall identify themselves as police officers and issue a warning before discharging a firearm.

E. Less-Than-Lethal Projectiles (CALEA 1.3.4)

1. The objective of less-than-lethal projectiles is to save human life.
2. Consistent with the Department's philosophy of using only the minimum amount of force necessary to control or subdue potentially violent subjects, less-than-lethal projectiles may be used only by authorized members with appropriate specialized training.
3. During instances of civil disobedience, less-than-lethal weapons may only be used to subdue or incapacitate a subject to prevent imminent physical harm to the officer or another person and shall be used only at the direction of the official in charge of the scene. All other use, by any other member, is strictly prohibited.

F. Prohibitions

1. No member shall carry any Department-issued weapon prior to successfully completing Department-approved training courses directed by the Chief of Police. (CALEA 1.3.10)
2. Under no circumstances shall a member carry or use blackjacks, saps, nunchakus, kempo sticks, brass knuckles, or weighted gloves or other unauthorized weapons.
3. Members shall not employ any form of neck restraint except when an imminent threat of death or serious physical injury exists, and no other option is available.
4. Whenever it becomes necessary to take a violent or resisting subject into custody, the responding member shall utilize appropriate tactics in a coordinated effort to overcome resistance.
5. Members shall avoid the use of flashlights, radios or any items not issued specifically as a defensive weapon as a means of force, except when an imminent threat of death or serious physical injury exists, and no other option is available.

G. Positional Asphyxia Precautions

When necessary to restrain subjects, members shall:

1. Make every effort (whenever possible) to avoid tactics, which may impede a subject's ability to breathe, which may result in chest or throat compressions, or airway blockage.

2. Position the individual in a manner to allow free breathing, once he or she has been controlled and placed under custodial restraint using handcuffs and other authorized methods. The subject shall not be maintained or transported in a face down position.
3. Seek medical assistance immediately if a person appears to be having difficulty breathing or is otherwise demonstrating life-threatening symptoms (such as positional asphyxia). The patrol supervisor shall direct that alternative means to maintain custody be utilized, if appropriate.
4. The unauthorized use of restraints and the transportation of subjects in a face down position within any vehicle are prohibited.

VI. PROCEDURAL GUIDELINES

Notification and Reporting of a Use of Force Incident

1. Incidents To Be Reported

The Use of Force Incident Report (PD Form 901-e) shall be completed in all of the following situations: (CALEA 1.3.6)

- a. all Use of Force incidents (except Cooperative or Contact Controls, e.g., mere presence, verbal commands or submissive handcuffing, unless there has been a resulting injury or the subject complains of pain following the use of Cooperative or Contact Controls);
- b. any time when an officer is in receipt of an allegation of excessive use of force; or
- c. whenever a member draws and points a firearm at or in the direction of another person.

2. Member Responsibilities

Members shall notify their supervisor and complete a PD Form 901-e (Use of Force Incident Report) immediately following any use of force, receipt of an allegation of excessive force, or immediately following the drawing of and pointing a firearm at or in the direction of another person.

3. Supervisor Responsibilities

When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.

VII. CROSS REFERENCES

A. Related Directives

1. GO OPS-301.03 (Operation of Emergency Vehicles, Fresh Pursuit and Vehicular Pursuit)
2. GO OPS-304.10 (Police-Citizen Contacts, Stops and Frisks)
3. GO RAR-306.01 (Canine Teams)
4. GO RAR-901.01 (Handling of Service Weapons)
5. GO RAR-901.04 (Oleoresin Capsicum Spray Dispensers)
6. GO-RAR-901.08 (Use of Force Investigations)
7. GO RAR-901.09 (Use of Force Review Board)

B. Court Opinions

1. Tennessee v. Garner, 471 U.S. 1, 11-12 (1985)
2. Graham v. Connor, 490 U.S. 386 (1989), 104 L. Ed 2d 443, 447
3. Saucier v. Katz, 533 U.S. 194 (June 18, 2001)

C. Laws and Regulations

1. D.C. Code §4-176 (Use of Wanton or Unnecessary Force)
2. D.C. Municipal Regulations, Title 6A, Section 207 (Use of Firearms and Other Weapons)

D. Other

1. CALEA Standards Section 1.3 (Use of Force)
2. IACP Model Policy (Use of Force)

E. Related Form

1. PD Form 901-e (Use of Force Incident Report) [electronic version]
2. PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

Charles H. Ramsey
Chief of Police

Attachment: Use of Force Continuum Chart
PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

CHR:NMJ:JAE:MAR:AFA:afa

CIRCULAR



Title	
PD Form 901-e (Use of Force Incident Report)	
Series / Number	
CIR – 02-13	
Effective Date	Distribution
October 7, 2002	B
Related to	
General Order 901.07 (Use of Force)	
General Order 901.08 (Use of Force Investigations)	

DISTRICT OF COLUMBIA

INTRODUCTION OF NEW REPORTING REQUIREMENT

The purpose of this circular is to introduce the Department's new Use of Force Incident Report (UFIR). In June 2001, the Metropolitan Police Department and the City entered into an agreement with the U.S. Department of Justice to improve its use of force policies and procedures. Part of this agreement requires MPD to track all uses of force using a Use of Force Incident Report. An automated electronic version of this report (designated as PD Form 901-e) has been designed, but is not yet operational. As an interim measure, a hard copy paper form will be used (designated as **PD Form 901-hc**). When the electronic version is finalized, members will be able to access it via the Department's intranet.

Members shall notify their supervisor immediately following any use of force or receipt of an allegation of excessive force, and the member using the force shall complete the Use of Force Incident Report. Additionally, members shall complete a Use of Force Incident Report immediately following the drawing of and pointing a firearm at or in the direction of another person. (MOA ¶ 53) CS numbers shall be obtained from the Office of Professional Responsibility.

The hard copy UFIR is five (5) pages, with four (4) supplements. The first 5 pages shall be utilized in incidents involving one member. Members shall use the supplemental officer, subject and witness forms when there are multiple officers, subjects or witnesses in an incident. Any additional property damage shall be noted on the supplemental form for property. Please note that the UFIR is an added report and does not replace any other MPD form. Members are still required to complete all other applicable reports, such as PD 251 and PD 76, etc.

A member may decline to complete the Use of Force Incident Report immediately following an incident. However, the supervisor shall compel the member to complete the form following a USAO declination or the issuance of a Reverse Garrity warning.

Charles H. Ramsey
Chief of Police

CHR:NMJ:JAE:MAR:LS:afa

Attachment

GENERAL ORDER



DISTRICT OF COLUMBIA

Title
Use of Force Investigations

Series / Number
GO - RAR - 901.08

Effective Date
October 7, 2002

Distribution
B

Related to
**General Order RAR-901.07
(Use of Force)
General Order RAR-901.09
(Use of Force Review Board)**

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I. BACKGROUND

Accurate and timely reporting of use-of-force incidents is essential for Department monitoring and training. Fair and accurate follow-up investigations, especially in use of force situations involving firearms or serious bodily injury or death, allow the Department and community to learn of the integrity and appropriateness of such decisions. It enables the Department to make decisions regarding the incident and to provide further necessary guidance to members on appropriate levels of use of force.

II. POLICY

The Metropolitan Police Department has established the following statements of policy guidance regarding the use of force:

- A. The policy of the Metropolitan Police Department is to value and preserve human life when using lawful authority to use force. Therefore, members of the Metropolitan Police Department shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others.
- B. The decision to use force of any level should be based on the danger posed by the subject, rather than the nature or category of the incident. That decision must be based on the circumstances that a reasonable member believes exist. (CALEA 1.3.1)
- C. A decision to use deadly force should be based on a member having probable cause to believe that the suspect poses an imminent threat of serious physical harm, either to the member or to others. (CALEA 1.3.2)

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

- A. **Deadly Force** – any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.
- B. **Non-Deadly Force** – any use of force that is neither likely nor intended to cause death or serious physical injury.
- C. **Serious Use of Force** – lethal and less-than-lethal actions by MPD members including:
 - 1. All firearm discharges by an MPD member with the exception of range and training incidents and discharges at animals;
 - 2. All uses of force by an MPD member resulting in a broken bone or an injury requiring hospitalization;
 - 3. All head strikes with an impact weapon;
 - 4. All uses of force by an MPD member resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ.
 - 5. All other uses of force by an MPD member resulting in a death; and
 - 6. All incidents where a person receives a bite from an MPD canine.
- D. **Use of Force** – any physical contact used to effect, influence or persuade an individual to comply with an order from an officer. The term shall not include un-resisted handcuffing or hand control procedures that do not result in injury.
- E. **Use of Force Indicating Potential Criminal Conduct by a Member** – includes, but is not limited to, all strikes, blows, kicks or other similar uses of force against a handcuffed subject and all accusations or complaints of excessive force made against the member.
- F. **Serious Physical Injury** – any injury that results in hospitalization and that creates a substantial risk of death, serious disfigurement, disability or protracted loss or impairment of the functioning of any body part or organ.
- G. **Less-Than-Lethal Weapons** – any object or device deployed with the intent or purpose of eliminating a threat without causing death. These include, but

are not limited to, a 37 mm gas gun containing a cloth bag filled with small lead shot pellets, rubber bullets, batons, OC Spray, A.S.P. (Armament System Procedures) tactical batons.

- H. **Use of Force Continuum** – a training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the member's commands. Such response may progress from the member's actual physical presence at the scene to the application of deadly force.
- I. **Objective Reasonableness** – reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.
- J. **Duty Status** – the relief of a member as an immediate interim step to preclude any further action concerning the incident by the involved member(s). *Note:* policing responsibilities as defined here is used only in the context of serious use of force incidents. (CALEA 1.3.8)
- K. **Probable Cause** -- where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution or prudence in the belief that a certain person has committed, is committing, or is about to commit a criminal act. (CALEA 1.3.2)

IV. REGULATIONS

- A. The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving Deadly Force, Serious Use of Force or the Use of Force Indicating Potential Criminal Conduct (see definitions).
- B. The Office of the Superintendent of Detectives shall be responsible for investigating the offense leading up to the use of force, where applicable.
- C. The member's Element Commander or Director shall be responsible for the investigation of all use of force incidents not involving Deadly Force, a Serious Use of Force or a Use of Force Indicating Potential Criminal Conduct. The Element Commander or Director may delegate responsibility for conducting the investigation to another official who must be of a higher rank than the involved member.
- D. The Use of Force Incident Report (PD Form 901-e) shall be completed by the involved officer in all of the following situations:
 - 1. all Use of Force incidents (except Cooperative or Contact Controls, e.g., mere presence, verbal commands or submissive handcuffing,

unless there has been a resulting injury or the subject complains of pain following the use of Cooperative or Contact Controls);

2. any time when an officer is in receipt of an allegation of excessive use of force; or
 3. whenever a member draws and points a firearm at or in the direction of another person.
- E. Members shall notify their supervisor and complete a PD Form 901-e (Use of Force Incident Report) immediately following any use of force, receipt of an allegation of excessive force, or immediately following the drawing of and pointing a firearm at or in the direction of another person.
- F. When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.
- G. The Department's Use of Force Review Board shall be responsible for reviewing all use-of-force incidents as required by GO RAR – 901.09 (Use of Force Review Board). (CALEA 1.3.7)
- H. When a subject has sustained visible injuries or expresses complaints of pain as a result of a member's use of force, the injured subject shall be provided immediate medical assistance for the treatment of those injuries.
- I. FIT shall prepare a transmittal document to the Mayor describing the circumstances of any accidental or performance-of-duty firearm discharge.

V. PROCEDURAL GUIDELINES

A. Initial Response Duties at the Scene of a Use of Force

1. When a Metropolitan Police member becomes involved in a use-of-force incident that requires a Use of Force Incident Report, the initial responsibilities of the officer(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. When a subject is suffering from or complains of injuries, he or she shall be immediately taken to the Hospital for examination and treatment pursuant to GO PCA-502.07 (Medical Treatment and Hospitalization of Prisoners).
3. District Watch Commanders and/or appropriate element supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.

4. If the use of force occurs outside the District of Columbia, members shall make notifications in accordance with Section V.-F. of this order and GO RAR-901.01 (Handling of Service Weapons). An official from the involved member's organizational element shall also respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team shall only conduct a policy review in this circumstance.

B. Notification and Reporting of a Use of Force Incident

1. Member Responsibilities

- a. In all uses of force requiring a Use of Force Incident Report, the member shall immediately notify his/her supervisor of the use of force, intentional or unintentional, exercised by the member, any allegation of excessive force made against the member, or immediately following the drawing of and pointing a firearm at or in the direction of another person, and shall promptly complete the Use of Force Incident Report.
- b. Members who observe the use of force by another member or are aware of a complaint regarding the use of force by another member shall notify their supervisor of any knowledge they have concerning the incident and shall cooperate with their supervisor and the Force Investigation Team as may be appropriate.

2. Supervisor Responsibilities

When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.

C. Investigation of Offense Leading Up to the Use of Force

1. The Office of the Superintendent of Detectives (OSD) shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up to the use of force. An OSD official shall designate a lead investigator for the crime that led up to the use of force.
2. The OSD is responsible for handling the arrest and processing of any individual charged as a result of the offense leading up to the use of force.
3. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.

4. The Forensic Science Services Division Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.

**D. Investigation of Use of Force Incidents
Within the District of Columbia**

1. Rights of Officers Before USAO Declination Has Been Made

In all cases involving serious use of force, or any other force indicating potential criminal misconduct by an officer, the subject officer(s) will not be compelled or ordered to make a statement (which includes interview by video or tape-recording) until the USAO has issued a written declination.

2. Interviewing Subjects, Members and Witnesses (General)

In conducting administrative misconduct investigations involving a serious use of force or serious physical injury (following a criminal declination where applicable), the appropriate investigators shall include, subject to and in conformance with applicable MPD directives, the following measures:

- a. Whenever practicable and appropriate, complainants and witnesses shall be interviewed at sites and times convenient for them, including at their residences or places of business.
- b. Officers involved in a use of force incident shall be sequestered until they are interviewed by a member of FIT or by appropriate supervisory personnel.
- c. Group interviews are prohibited.
- d. Supervisors of the involved members subject to the investigation shall be notified, as appropriate.
- e. All appropriate MPD members, including supervisors, shall be interviewed.
- f. Investigators shall ensure that all appropriate evidence is collected, preserved, and analyzed, including canvassing the scene to locate witnesses and obtaining complainant medical records, where appropriate.
- g. Investigators shall tape record or videotape interviews of complainants, involved officers, and material witnesses in investigations involving a serious use of force or serious physical injury (subject to and in conformance with applicable

law). If a complainant or non-officer witness refuses to be tape-recorded or videotaped, then a written narrative of the statement shall be prepared to be signed by the complainant or non-officer witness.

- h. Any inconsistencies in officer and witness interview statements gathered during the investigation shall be identified and reported in writing.

3. Response to Deadly Force, Serious Use of Force Incident or a Use of Force Indicating Potential Criminal Conduct

The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving Deadly Force, Serious Use of Force or the Use of Force Indicating Potential Criminal Conduct. In such instances, the following procedures shall apply:

- a. When a member reports any use of force or accusation of force, a supervisor from the district of occurrence (of higher rank than the reporting member) is required to respond to the scene.
- b. The supervisor shall notify the Force Investigation Team and the Office of the Superintendent of Detectives through the Communications Division and the Synchronized Operations Command Center (SOCC).
- c. The supervisor shall maintain and preserve the scene and canvass and gather witnesses.
- d. The supervisor shall provide the assistance of District personnel to the Force Investigation Team in conducting the investigation of the incident, as necessary.
- e. In cases of use-of-force incidents within the investigative jurisdiction of the Force Investigation Team, FIT members shall be responsible for the following:
 - (1) Submitting a preliminary report of investigation to the Assistant Chief, Office of Professional Responsibility, prior to being relieved from duty.
 - (2) Notifying and consulting with the United States Attorney's Office (USAO), within 24 hours or the next business day, of any use of force incident involving deadly force, a serious use of force, or any force indicating potential criminal misconduct by a MPD member.

- (3) Forwarding all completed investigations, through the Assistant Chief of the Office of Professional Responsibility, to the Use of Force Review Board.
 - (4) Completing every aspect of the investigation of use of force incidents within 90 days of the date FIT receives a Letter of Declination from the USAO or the termination of the criminal prosecution of the member.
- f. The Force Investigation Team shall reserve the right and have the authority to assume control of any force-related incidents. Their primary responsibility, however, shall be the investigation of uses of deadly force, serious use of force incidents and uses of force indicating potential criminal conduct.

4. **Response to Incidents Not Involving Deadly Force, a Serious Use of Force nor Indicating Potential Criminal Conduct**

Chain of command district or division supervisors shall investigate all use-of-force incidents not investigated by the Force Investigation Team. In such instances, the following procedures shall apply:

- a. When a member reports any use of force or accusation of force, a supervisor (of higher rank than the reporting member) is required to respond to the scene.
- b. No supervisor who was involved in the incident shall be responsible for the investigation of the incident.
- c. The supervisor shall notify the Office of the Superintendent of Detectives through the Communications Division and the Synchronized Operations Command Center (SOCC).
- d. The supervisor shall respond to the scene of the incident and locate and interview witnesses and document their statements on a PD Form 119 (Complainant/Witness Statement).
- e. When a member has used force, which is not considered a serious use of force or any other force indicating potential criminal misconduct and an administrative investigation/policy review has commenced, the member shall complete forms and reports consistent with MPD policies.
- f. The supervisor shall ensure that the following steps are taken:
 - (1) Document and photograph any injuries to involved members.
 - (2) Interview and photograph any person on whom force was used.

- g. The supervisor shall complete and submit a preliminary report to the Element Commander or Director within 24 hours.
- h. The supervisor shall ensure that the Force Investigation Team is notified for tracking purposes.
- i. The Final Investigative Report will be completed by the supervisor/manager as designated by the Element Director or Commander.
- j. At the discretion of the Chief of Police or his designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigation Team.

E. Handling Use of Force Incidents Indicating Potential Criminal Conduct

- 1. The United States Attorney's Office shall make the determination as to whether criminal wrongdoing is present in any use of force incident.
- 2. The Force Investigation Team shall consult with the United States Attorney's Office for the District of Columbia about incidents of Deadly Force, Serious Use-of-Force, Use of Force Indicating Potential Criminal Conduct, and in-custody deaths involving Metropolitan Police Department officers.
- 3. When evidence of criminal wrongdoing is determined as a result of a member being involved in a use-of-force incident, members from the Force Investigation Team shall coordinate prosecutorial needs between the U.S. Attorney's Office or other appropriate prosecuting entity and the affected organizational element and/or investigative unit, and shall serve as a liaison with other applicable local and federal law enforcement agencies.
- 4. In cases where the United States Attorney's Office has not issued a written declination, the subject officer shall not be compelled or ordered to make a statement.
- 5. The Force Investigation Team is responsible for handling all arrests of police officers in regards to a use of force.

F. Processing Use of Force Incidents by MPD Members Outside of the District of Columbia

When a member is involved in a use of deadly force *outside* of the District of Columbia, whether on or off duty:

1. The member shall immediately notify the Watch Commander of his/her element through the Communications Division and SOCC who shall notify the Force Investigation Team.
2. The Force Investigation Team shall respond immediately.
3. The appropriate law enforcement authority of the jurisdiction of occurrence will maintain primary responsibility for conducting a criminal investigation of the underlying matter.
4. The Force Investigation Team shall initiate a concurrent investigation, and shall work closely with the investigator/official from the originating police jurisdiction that is investigating the primary criminal offense. In cases where the United States Attorney's Office or the competent prosecutorial authority has not yet issued a written declination, FIT shall not compel or order a subject officer to make a statement.

G. Processing In-Custody Deaths

1. When a Metropolitan Police Department officer becomes aware of a possible in-custody death, the initial responsibilities of member(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. Deaths occurring while a subject is in custody shall be reported to both the Force Investigation Team and the Office of the Superintendent of Detectives.
3. In cases involving in-custody deaths, the Office of the Superintendent of Detectives shall respond to the scene and be responsible for completing the PD 120 (Death Report).
4. The Force Investigation Team shall consult with the United States Attorney's Office for the District of Columbia about in-custody deaths involving subjects that were in Metropolitan Police Department custody.

H. Determination of Duty Status of Involved Officer

1. Immediately following a Serious Use of Force incident in which a serious injury occurs or any in-custody death, the Element Commander or Director (or the highest ranking official on the scene from the involved

officer's element) shall relieve the involved member of his or her normal policing responsibilities. (CALEA 1.3.8).

2. Determination as to the permanent duty status of the involved member shall be made pursuant to GO RAR-901.11 (Force-Related Duty Status Determination).
3. The Force Investigation Team shall be responsible for handling all arrests of police officers with regard to a use of force.

I. Command Support Responsibilities

1. The Office of Professional Responsibility (OPR) shall, in use of force incidents, be responsible for the dissemination of Complaint System Numbers for all reported incidents.
2. OPR shall enter and maintain the database for information relative to all uses of force.
3. District or Division Commanders shall ensure that:
 - a. Force Investigation Team members are immediately notified of any incident involving use of force through the Communications Division.
 - b. All uses of force are reported in writing to the Office of Professional Responsibility and that Complaint System Numbers are obtained within one hour of the incident. (CALEA 1.3.6 a – d)
 - c. All use of force incidents are investigated.
 - d. A designated management official from the police district where the incident occurred (or, if in another jurisdiction, a management official from the involved member's assigned element) responds to the scene.
 - e. A copy of the Use of Force Incident Report is forwarded to OPR and the affected element's detectives' office for the purpose of entering relevant information into WACIIS.
 - f. The Office of Professional Responsibility is notified if there is evidence of any wrongdoing as a result of a member being involved in any use of force investigated at the command level.
 - g. The final investigative report of the use of force incident, with recommendations and conclusions, is forwarded, through the chain of command, to the Use of Force Review Board within 60 days of the use-of-force incident, absent special circumstances.