

- h. All completed investigations are forwarded to the Use of Force Review Board.
4. The Office of the Superintendent of Detectives (OSD) shall respond and assume primary responsibility for conducting a criminal investigation of the underlying matter (e.g., robbery, burglary, theft, etc.)
5. When requested, the Synchronized Operations Command Center (SOCC) shall be available to assist members of the Force Investigation Team in facilitating requests to other Department elements or outside agencies.

J. Routine Reports and Follow-up Duties

It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:

- PD Forms 251, 252 (Incident Report Forms)
- PD Form 77 (Temporary Change of Duty Status Report)
- Adherence to Medical Services Division and Employee Assistance program follow-up
- PD Form 42 (Medical/Injury Reports) & Certification
- PD Form 43 (Property Damage Report) & Certification
- Service weapon replacement
- Processing of the injured/arrested person (where applicable)
- Guard details

K. Investigative Report Contents and Completion Schedules

1. In instances of deadly force, serious use of force, or any use of force indicating potential criminal misconduct by an officer, the Force Investigation Team preliminary report of investigation shall be forwarded, to the Chief of Police, through the chain of command, within twenty-four hours. A transmittal document to the Mayor of the District of Columbia from the Chief of Police shall also be completed.

2. In instances of deadly force, serious use of force, or any use of force indicating potential criminal misconduct by an officer, the Force Investigation Team shall complete a final investigative report with conclusions and recommendations within ninety (90) days of receiving a Letter of Declination from the USAO or the conclusion of a criminal prosecution (absent special circumstances that must be documented).
3. The final investigative report shall include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings.
4. The proposed findings shall include: a determination of whether the force was consistent with MPD policy and training, a determination of whether proper tactics were employed, and a determination whether lesser force alternatives were reasonably available.
5. To ensure comprehensive and timely completion of investigations by the Force Investigation Team, the Office of the Superintendent of Detectives shall liaison and provide full cooperation with members of the Force Investigation Team.
6. The Office of the Superintendent of Detectives shall forward immediately a duplicate copy of all reports, communications, and information related to an enumerated use-of-force incident to the Force Investigation Team.
7. The Forensic Science Services Division (to include the Mobile Crime Lab and Firearms Examination Unit) shall forward immediately a duplicate copy of all reports, communications, diagrams, lab results, and other related information to the Force Investigation Team.
8. The Director, Communications Division, shall ensure that duplicates of all related radio communication tapes of a use-of-force incident are immediately provided to the Force Investigation Team.
9. The Director, Information Technology, shall ensure that computer related communications (MDC Terminals) concerning a use-of-force incident are immediately provided to the Force Investigation Team.
10. The Force Review Operations Liaison of the Force Investigation Team shall maintain a repository of electronic and paper copies of Preliminary and Final Investigative Reports completed by the Force Investigation Team. In addition, the liaison will ensure coordination with the department's Use of Force Review Board.

11. Force Investigation Team final investigative report findings shall reflect both the criminal and policy findings. They shall be classified as follows:
- **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate department policy.
 - **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject officer violated a department policy.
 - **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and tactical improvement endeavors.
 - **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a department policy.
12. The standard of review in a criminal investigation is *probable cause*. The standard of review in a policy review (administrative) investigation is a *preponderance of the evidence*.
13. When allegations of excessive force or misconduct are made, the Force Investigation Team or the Office of Internal Affairs (whichever is applicable), shall make one of the following dispositions:
- a. **Unfounded:** Where the investigation determined that there are no facts to support the incident complained of actually occurred.
 - b. **Sustained:** Where the person's allegation is supported by a preponderance of the evidence to determine that the incident occurred and the actions of the officer were improper.
 - c. **Insufficient Facts:** Where there are insufficient facts to decide whether the alleged misconduct occurred.
 - d. **Exonerated:** Where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

L. Use of Force Review Board (UFRB)

1. The UFRB shall conduct timely reviews of all use of force investigations pursuant to GO RAR – 901.09 (Use of Force Review Board).
2. Based on its review of the use of force incidents from throughout the Metropolitan Police Department, the Use of Force Review Board shall act as a quality control body for all use of force investigations and shall forward policy and training recommendations to the Chief of Police or his designee.
3. A thorough review of all use-of-force incidents shall be conducted annually by the UFRB to reveal patterns or trends that would indicate training needs, equipment upgrades, or policy modifications. (CALEA 1.3.7 and 1.3.13)

VI. CROSS REFERENCES**A. Related Directives**

1. GO OPS-304.10 (Police-Citizen Contacts, Stops and Frisks)
2. GO RAR-306.01 (Canine Teams)
3. GO PCA-502.07 (Medical Treatment and Hospitalization of Prisoners)
3. GO RAR-901.01 (Handling of Service Weapons)
4. GO RAR-901.04 (Oleoresin Capsicum Spray Dispensers)
5. GO RAR-901.07 (Use of Force)
6. GO RAR-901.09 (Use of Force Review Board)
7. GO RAR-901.11 (Force-Related Duty Status Determination)

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
4. 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 Forms

1. PD Form 901-e (Use of Force Incident Report)
2. PD Form 42 (Medical/Injury Reports)
3. PD Form 43 (Property Damage Report)
4. PD Form 77 (Temporary Change of Duty Status Report)
5. PD Forms 251, 252 (Incident Report Forms)
6. PD Form 118 (Complainant Statement)
7. PD Form 119 (Witness Statement)
8. PD Form 313 (Arrestee's Injury or Illness Report and Request for Examination and Treatment)

Charles H. Ramsey
Chief of Police

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

CHR:NMJ:JAE:MAR:AFA:afa



METROPOLITAN POLICE DEPARTMENT

Force Investigation Team

December 1, 2001

Organizational Plan and Operations Manual

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Executive Summary

“Police departments everywhere have no greater responsibility than to ensure that our officers, who are entrusted by the public to use force in the performance of their duties, use that force prudently and appropriately. And when deadly force is used, police departments have a solemn obligation--to the public and to the officers involved--to investigate these cases thoroughly, accurately and expeditiously.” - Police Chief Charles H. Ramsey

The District of Columbia is a dynamic city that serves as a symbol of freedom and democracy throughout the world. The city also serves as a center of commerce, both internationally and regionally. Locally, the city is home to vibrant neighborhoods, commercial corridors, museums, educational institutions, and a plethora of other community elements. The city’s stakeholders, which include residents, visitors, government officials, businesses, and others employed here, proudly contribute to the quality of life in the District of Columbia.

The Metropolitan Police Department is also committed to enhancing the city’s quality of life through providing the highest level of police service to these stakeholders. As the primary law enforcement agency in the nation’s capital, our members have taken seriously the obligation to provide police service to our stakeholders. It is the mission of the Metropolitan Police Department to prevent crime and the fear of crime, as we work with others to build safe and healthy communities throughout the District of Columbia. One of the awesome responsibilities that our members are entrusted with is the authority to use force, including deadly force.

In the past, it had become clear that the Metropolitan Police Department had not met community expectations, nor police industry standards, as it related to use of force and subsequent use of force investigations. As a result, Chief of Police Charles H. Ramsey instituted a number of reforms to address major aspects of the department’s use-of-force practices and procedures. One of the Chief’s primary initiatives involved the establishment of an investigative body to monitor and scrutinize the use of deadly force. This is how the Force Investigation Team came into existence in January 1999.

One of the primary objectives of this investigative body was to provide the Metropolitan Police Department with a standard, comprehensive, neutral investigative response to use of deadly force incidents. Additional objectives included developing and maintaining internal reporting and investigative mechanisms that had to be in place to assure quality control and accountability. These mechanisms had to clearly chronicle the circumstances and document the volumes of information inherent in deadly force investigations. It was crucial that this neutral component monitor and evaluate deadly force investigations and ensure fair, impartial, and professional reviews. Additionally, this entity had to be the primary link to other local and federal agencies with interest in the conduct and activity of Metropolitan Police officers as it related to the use of force. Finally, the unit had to compile, track, analyze, and report all use of force data. The resulting advancements restored community confidence and enhanced the credibility of the Metropolitan Police Department.

Since its inception in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized for its high quality investigations and unique approach to use of force issues. Law enforcement agencies from throughout the United States and abroad have studied the team's operations in efforts to improve their own organization's force investigation practices. In 2000, the Force Investigation Team was named one of the top ten quality law enforcement units in the world by the International Association of Chiefs of Police and Motorola. Moreover, the team has been nominated for the 2001 IACP Civil Rights Award in Law Enforcement.

Also in January 1999, District of Columbia Mayor Anthony A. Williams and Chief Charles H. Ramsey requested the Department of Justice to review all aspects of the Metropolitan Police Department's use of force practices. This unprecedented request indicated the City and the Chief's commitment to minimizing the risk of excessive use of force in the Metropolitan Police Department and to promoting police integrity.

In March 2001, the Department of Justice concluded its review of the Metropolitan Police Department's policies, practices and procedures, and entered into a Memorandum of Agreement with the District of Columbia and the Metropolitan Police Department. They joined together in order to minimize the risk of excessive use of force, promote the use of best available practices and procedures for police management, and to build upon the improvements the Force Investigation Team has initiated to manage police use-of-firearm investigations. Accordingly, the agreement called for the expansion of the Force Investigation Team's duties to include incidents of less than lethal uses of force.

The Force Investigation Team will continue to promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department. Fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers will remain our primary goal. We take their obligation seriously--to the public and police officers--to thoroughly, accurately, and expeditiously investigate force incidents. We strive to maintain our status as the national model of how to investigate use-of-force incidents. We continually create, welcome, and support the leadership skills and expertise of all members of the team, and through teambuilding techniques, maintain open communication, and mutual respect. We are committed to professional development, and maintain unbiased and respectful treatment of all people. We are committed to

cultural sensitivity and seek to keep the confidence, trust, and support of the community that we have earned since the team's inception.

Statement of Problem

Egon Bittner, in his pioneering classic *The Functions of Police in Modern Society*, argues that “the role of the police is to address all sorts of human problems when and insofar as their solutions do or may possibly require the use of force at the point of their occurrence. The use of force by police is an ever present challenge to the men and women who commit their lives to the profession. Many scholars, like Bittner, have argued that the legitimate use of coercive force is the critical factor distinguishing policing from all other professions and distinguishes police officers from all other citizens.

Karl Klockers, in 1985, said “no police anywhere has existed, nor is it possible to conceive of a genuine police ever existing, that does not claim a right to compel other people to forcibly do something. If it did not claim such a right, it would not be a police.”

It is therefore reasonable to expect that our police officers may use force as an everyday part of their job. The challenge to our officers is how much force is used. Any use of force by our police officers must be constrained by the laws of the land. When those laws are violated, the public support and the credibility that the police need to function is effectively undermined.

Police officers have in their arsenal a continuum of force they can use in the cause of discharging their duties, including the most deadly one, use of firearms. In the past, reports revealed that Metropolitan Police Department officers had used deadly force more than any department in the nation. This led Chief of Police Charles H. Ramsey to institute several reforms, including the creation of the Force Investigation Team.

This Document contains the operational plans for the Force Investigation Team. The ultimate goal of this unit is simple; to conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.

Office of Professional Responsibility

The Office of Professional Responsibility acts as the guardian of the Metropolitan Police Department's reputation in the community, which we have vowed to serve. The Assistant Chief of the Office of Professional Responsibility reports directly to the Chief of Police. Thus, we have been charged with the accountability, implementation and maintenance of the department's anti-corruption programs. It is an office of unparalleled integrity that provides effective corruption control and behavior accountability through comprehensive proactive and reactive investigation, inspection and adjudication of misconduct and corruption. The Office of Professional Responsibility also conducts extensive statistical data collection for review, assessment and trend analysis.

It is the vision and goal of the Office of Professional Responsibility to ensure the integrity of the Metropolitan Police Department through a system of internal investigations and adjudications where objectivity and fairness are assured. We will conduct fair, impartial, and highly professional investigations, audits, inspections, and adjudications of corruption and misconduct allegations and occurrences.

Force Investigation Team Vision/Value Statement

The Vision/Value Statement of the Force Investigation Team serves as the cornerstone of the team's philosophy. Every action made by a member of the Force Investigation Team must comport with at least one aspect of this Vision/Value statement. This statement is updated annually to ensure that the team's focus remains on the cutting edge of our industry.

The Metropolitan Police Department Force Investigation Team will:

- **Promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department**
- **Conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.**
- **Take our obligation seriously--to the public and our officers--to thoroughly, accurately, and expeditiously investigate these incidents.**
- **To remain the nation's model as it relates to police use-of-force investigations.**
- **Create, welcome, and support the leadership skills and expertise of all members of the team.**
- **Encourage team building, open communication, and mutual respect.**
- **Constantly strive to improve our ability to conduct investigations through professional development. Aspire to become a "learning organization."**

- **Maintain unbiased and respectful treatment of all people.**
- **Be committed to cultural sensitivity.**
- **Continually strive to enhance the confidence, trust, and support of the community.**
- **Accept accountability and responsibility for our duties and responsibilities**

Organizational Chart

The Metropolitan Police Department Office of Professional Responsibility Force Investigation Team comprises of two operational squads each composing of investigative response teams (called Force Review Teams). These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Additionally, a Force Review Operations Liaison provides specialized support including data collection, analysis, and reporting. The liaison provides support to the MPD Office of the General Counsel and the D.C. Office of the Corporation Counsel. as it relates to civil lawsuits, and handles informational requests from federal and other organizations. Finally, the Force Investigation Team provides administration duties for the Use of Force Review Board.

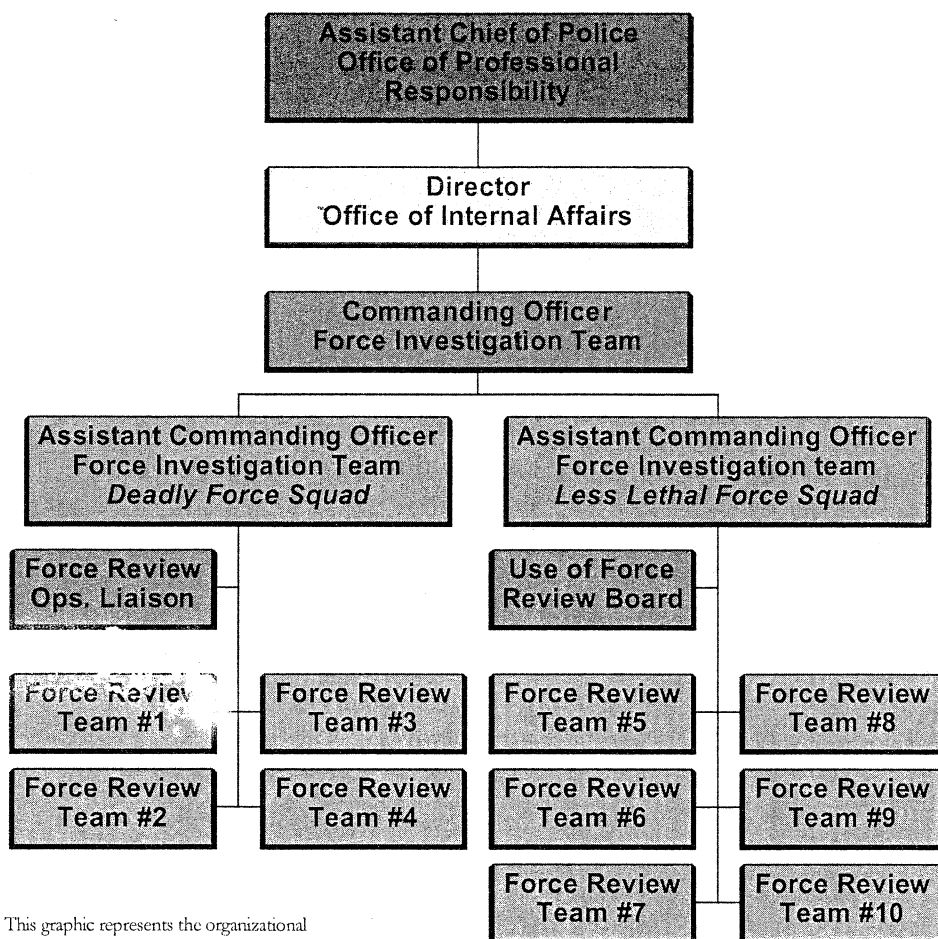


FIGURE 1.1 This graphic represents the organizational structure of the Force Investigation Team

Identified Customers

One of the most important aspects of the Force Investigation Team is its business-related perspective. Accordingly, the Force Investigation Team endeavored to identify its primary stakeholders, or “customer base.” The identification of these customers help members of the Force Investigation Team focus on who they are conducting an investigation for. This concept helps keep the Force Investigation Team accountable to its customers, while fostering quality at every level of its operations.

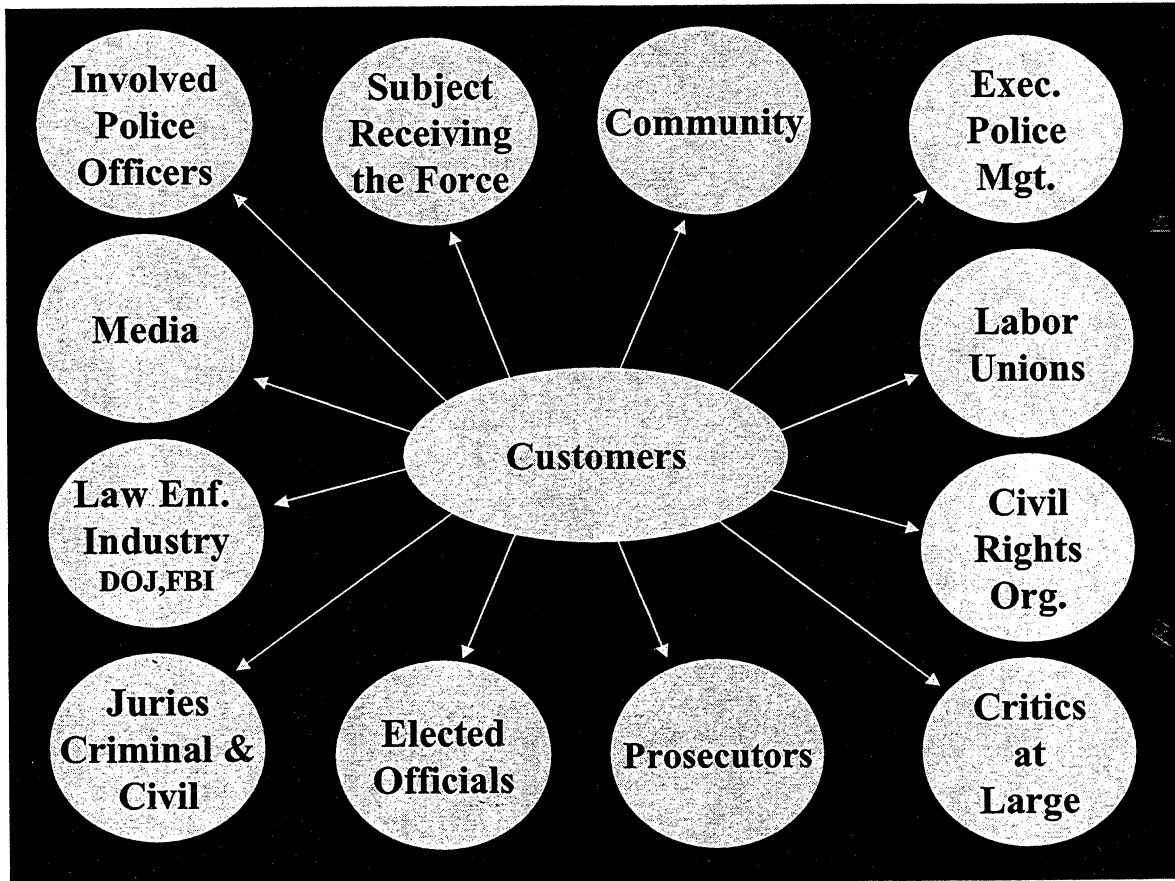


FIGURE 1.2 This graphic represents the customer base of the Force Investigation Team. The customers were identified after a series of brainstorming sessions with team members.

Definitions

Use of Force:

The term “use of force” means any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing.

Less Lethal Force:

The term “less lethal force” means use of force that is neither likely nor intended to cause death or serious physical injury.

Deadly Force:

The term “deadly force” means any use of force likely to cause death or physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.

Serious Use of Force:

The term “serious use of force” means lethal (deadly) and less than lethal actions by MPD officers including:

- (1) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals.
- (2) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization.
- (3) All head strikes with impact weapons.
- (4) All uses of force by a 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 a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

Mission and Authority

The mission of the Metropolitan Police Department Force Investigation Team is to conduct fair, impartial, and professional reviews of use of force incidents involving sworn Metropolitan Police officers. The Force Investigation Team is a component of the Office of Professional Responsibility, thus team operational procedures and related requests for assistance have the full authority of that office.

The Force Investigation Team is the primary use of force investigative entity within the Metropolitan Police Department. The Force Investigation Team conducts three types of force investigations as follows:

- (1) The Force Investigation Team conducts a criminal investigation of an officer's actions as it relates to the use of force.
- (2) The Force Investigation Team will conduct a criminal civil rights investigation of an officer's actions as it relates to the use of force. This in no way precludes federal agencies from opening their own investigations.

Once a criminal declination or a criminal prosecution is completed by the United States Attorney's Office for the District of Columbia, the Force Investigation Team will:

- (3) Conduct a policy review of an officer's actions as it relates to the use of force. The policy review will include:
 - a. A determination of whether the use of force was consistent with MPD policy and training.
 - b. A determination of whether proper tactics were employed.
 - c. A determination of whether lesser force alternatives were reasonably available.

Additionally, a criminal investigation of the incident that *led* to the use of force will be initiated, where applicable. This investigation will be handled by members from the Violent Crime Unit, Office of the Superintendent of Detectives. Since the facts related to this investigation are the same as those in the force review, the lead Force Investigation Team investigator and the lead Violent Crime Unit investigator will liaison.

The Force Investigation Team will also conduct investigations of use of force incidents occurring *outside the District of Columbia*. In these instances, the primary criminal investigation of the incident rests with the law enforcement authority of the jurisdiction of occurrence, and the Force Investigation Team will conduct only the policy review.

Members of the Force Investigation Team reserve the right, and have the authority, to assume full control of any criminal investigation related to any force incident.

The Force Investigation Team will coordinate, transmit, and consult with the United States Attorney's Office for the District of Columbia regarding all instances of serious use of force.

The Force Investigation Team will compile, track, analyze, and report all of the data related to use of force by Metropolitan Police Department officers.

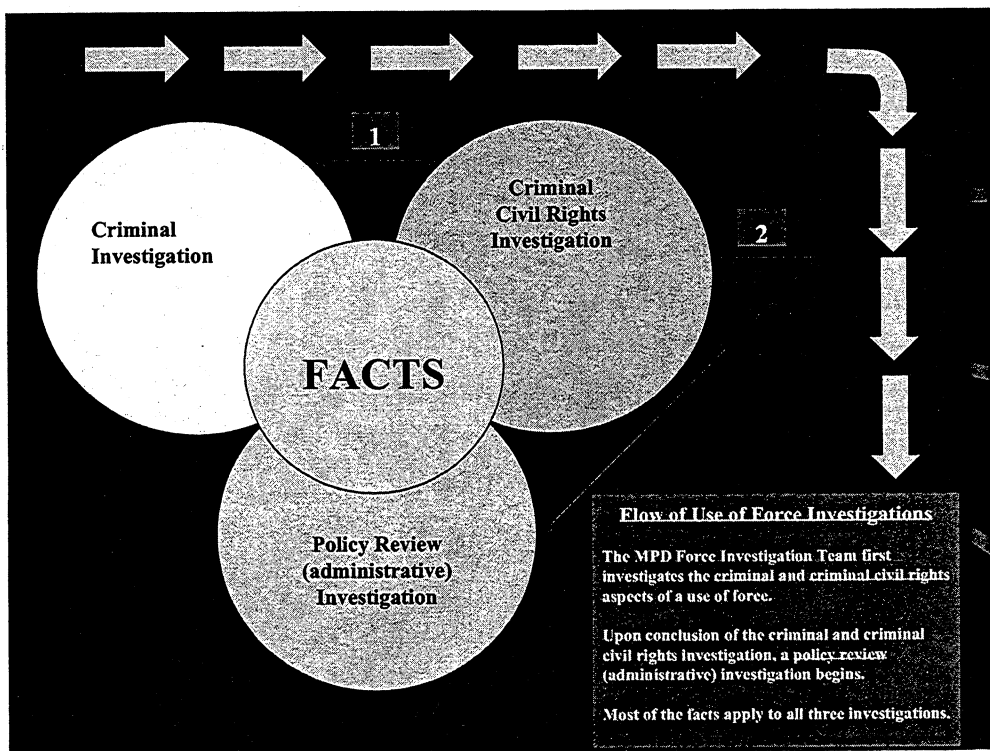


FIGURE 2.1 This diagram demonstrates the responsibility flow of Force Investigation Team investigations. Note that the policy review investigation is not initiated until a prosecutorial decision is made. The figure shows that while the Force Investigation Team conducts several investigations, the facts, circumstances, and evidence pertain to all three of the investigations.

Operations of the Force Investigation Team

ICON KEY	
①	General Information
📁	Deadly Force Investigations
↗	Less-Lethal Force Investigations
①	Investigations by Chain of Command Officials
🚒	Emergency Response Team Investigations
📄	Report & Evidence Processing
🏛️	Consulting the United States Attorney's Office
📊	Statistical Analysis
🗣️	Stakeholder Education and Outreach
✍️	Training Philosophy
📁	Miscellaneous

This organizational plan and operations manual is designed to be an easy reference guide to the processes of the Force Investigation Team. As such, each category has been organized into the following sections: **General Information, Deadly Force Investigations, Less-Lethal Force Investigations, Investigations by Chain of Command Officials, Emergency Response Team Investigations, Report & Evidence Processing, Consulting the United States Attorney's Office, Statistical Analysis, Stakeholder Education and Outreach, Training Philosophy, and Miscellaneous.** While the manual will provide a baseline of the team's processes, it should be understood that the process in itself is fluid. Therefore, revisions and updates will continue to ensure the highest level of quality and customer service.



General Information

The Force Investigation Team comprises of two operational squads each composing of investigative response teams. These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Squad responsibilities are divided as follows:

Deadly Force Squad:

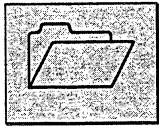
The deadly force squad will be responsible for:

- Firearm discharges (except range and training incidents and discharges at animals)
- Uses of force resulting in death
- In-custody deaths
- Officer Suicides (with service weapon)

Less Lethal Force Squad:

The less lethal force squad will be responsible for:

- Uses of force resulting in a broken bone
- Injuries requiring hospitalization as a result of a police use of force
- Head strikes with impact weapons
- Uses of force resulting in a loss of consciousness, risk of death, serious disfigurement, or disability or impairment of the functioning of any body part or organ
- Incidents where persons receive a bite from an MPD canine
- Serious Use of Force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office for review
- Criminal allegations of police use of excessive force



Deadly Force Investigations

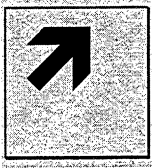
The following processes and procedures shall apply to deadly force investigations:

1. When a Metropolitan Police officer discharges a firearm, or becomes aware of an in-custody death, the first 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. Police District Watch Commanders and 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.
3. If the firearm discharge occurs outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall 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 will only conduct a policy review in this circumstance.
4. The Force Investigation Team will also investigate all negligent firearm discharges by Metropolitan Police Department officers with a service weapon or authorized off-duty weapon.
5. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager or via telephone.

6. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives based at the local police district 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. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
7. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
9. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
10. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
11. At least two on-call members, one lead investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
12. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
13. Members of the Force Investigation Team will jointly take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
14. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
15. A Force Investigation Team management official will consult with the affected element Watch Commander or Commanding Officer relative to the duty status of an officer immediately following a use of force incident. The final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management.
16. Members of the Force Investigation Team will complete:

- Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.
 - Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
 - Final investigative report with conclusions and recommendations. This report shall be submitted within thirty (30) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented). While it is noted that the MPD-DOJ agreement allows up to 90 days to complete this task, the Force Investigation Team shall document any delays that exceed the unit's internal thirty-day parameter.
 - The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
 - A determination of whether the force was consistent with MPD policy and training
 - A determination of whether proper tactics were employed
 - A determination whether lesser force alternatives were reasonably available.
17. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement.
 - Processing of the injured/arrested person (where applicable)
 - Guard details
18. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about deadly force incidents and in-custody deaths involving Metropolitan Police Department officers.
19. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the

U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



Less-Lethal Force Investigations

The Force Investigation Team less lethal squad will conduct investigations of police use of force incidents as defined in the DOJ/MPD Memorandum of Agreement. Additionally, the Force Investigation Team less lethal squad will investigate serious use of force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office. Finally, this squad will handle criminal allegations of police use of excessive force

Non-Serious Use of Force Reviews

All uses of force could potentially cross the threshold and meet the criteria of a serious use of force (see definition). However, initial workload analysis indicates that the majority of force used by Metropolitan Police Department officers do not fall into that category. However, all use of force incidents must be investigated. Accordingly, the Force Investigation Team will be available to assist chain of command officials with non-serious use of force incidents.

Therefore, to ensure an appropriate response to less-lethal force incidents, the Force Investigation Team Less-Lethal Force Squad will staff all watches to ensure 24-hour personnel availability.

When a less-lethal force incident occurs that does not immediately appear to fall into the *serious use of force* category:

1. When a Metropolitan Police officer is involved in a less-lethal force incident, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.

Serious Use of Force Defined

(i) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals, (ii) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization, (iii) All head strikes with impact weapons, (iv) All uses of force by a 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, (v) All other uses of force by a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

FIGURE 3.1 Definition of Serious Use of Force as indicated in the DOJ/MPD Memorandum of Agreement

2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations.
3. Police District Watch Commanders and 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. An official from the element in which the involved officer is assigned shall be responsible for investigating the incident. Copies of all investigations shall be forwarded to the Force Investigation Team for statistical tracking.
5. When applicable, the Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, 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. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. For the purposes of this manual, *hospitalization* means a subject admitted to the hospital, not simply hospital treatment.
7. The District of occurrence is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. An official from the District of occurrence shall be responsible for all use of force reports falling that do not fall into the *serious use of force* category.
9. If it is determined that the use of force falls into *the serious use of force* category, the Watch Commander shall immediately notify the Force Investigation Team via the Communications Division and/or the Synchronized Operations Command Center.
10. Members from the Forensic Science Services unit, based in the police district of occurrence, shall respond and be responsible for evidentiary crime scene processing.
11. Officials from the District of occurrence will complete the:
 - Preliminary report of investigation to the affected Regional Operations Command Assistant Chief, with a copy forwarded to the Office of Professional Responsibility. The report will be completed within twenty-four hours.
 - Final investigative report with conclusions and recommendations within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).

15. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement. (i.e.: ASP, OC Spray canister)
 - Processing of the injured/arrested person (where applicable)
 - Guard details

Force Investigation Team Less-Lethal Force Reviews

The Force Investigation Team Less-Lethal Force Squad will investigate *serious use of force* incidents that are not investigated by the Deadly Force Squad (as defined in figure 3.1 on page 15).

The following processes and procedures shall apply to less-lethal force investigations that fall into the *serious use of force* category:

1. When a Metropolitan Police officer becomes involved in a less-lethal use of force that is classified as a *serious use of force* in the District of Columbia, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall 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 will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and 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) is notified.
4. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, 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. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.

6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
7. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
8. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
9. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
10. At least two on-call members, one lead investigator, the initial responding force investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
11. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
12. Members of the Force Investigation Team will take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
13. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
14. A Force Investigation Team management official will determine the duty status of an officer immediately following a serious use of force incident. However, the final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management. In this instance, the Force Investigation Team will make a duty status recommendation.
15. In cases of serious use of force, members of the Force Investigation Team will complete:
 - Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.

- Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
 - Final investigative report with conclusions and recommendations. This report shall be submitted within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
 - The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
 - A determination of whether the force was consistent with MPD policy and training
 - A determination of whether proper tactics were employed
 - A determination whether lesser force alternatives were reasonably available.
16. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement.
 - Processing of the injured/arrested person (where applicable)
 - Guard details
17. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about serious use of force incidents involving Metropolitan Police Department officers.
18. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



Use of Force Investigated by Chain of Command Officials

Chain of Command managers and supervisors from organizational elements still have some force and injury investigative responsibilities. Managers and supervisors shall conduct these investigations in accordance with the department's administrative handbook. However, templates and examples of investigative reports are available from the Force Investigation Team.

- An injury to a suspect as a result of open hand force.
- A complaint of injury as a result of open hand force.
- Firearm discharges at animals
- Firearm discharges related to range and training incidents
- Use of ASP or OC Spray that is not categorized as serious use of force.

Chain of command district supervisors shall investigate force incidents except those investigated by the Force Investigation Team. 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. No supervisor who was involved in the incident shall be responsible for the investigation of the incident.

FIGURE 3.2 Examples of Chain of Command force and injury investigations.

1. When a Metropolitan Police officer is involved in a force incident not investigated by the Force Investigation Team, or a suspect is injured not originating from a use of force, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The chain of command official will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and 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. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager. While the Force Investigation Team may not investigate these specific occurrences, the Force Investigation Team will track this data.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, 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. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.

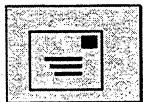
7. A chain of command supervisor will respond to the scene and conduct an investigation.
8. Members from the Crime Scene Search unit based in the police district of occurrence shall respond and be responsible for evidentiary crime scene processing. The District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the chain of command supervisor.
9. The District or Organizational Element Watch Commander will make a duty status recommendation for the involved officer(s) to the. However, the final decision as to the duty status of an officer will be made by the involved officer's Commanding Officer in conjunction with executive police management.
10. The District Watch Commander shall complete:
 - A preliminary report of investigation to the element Commanding Officer within 24 hours. Copies of the preliminary report should be forwarded to the Force Investigation Team.
 - A final investigative report with conclusions and recommendations shall be submitted within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).
11. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
 - Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement. (i.e.: ASP, OC Spray canister)
 - Processing of the injured/arrested person (where applicable)
 - Guard details
12. If there are any criminal allegations associated with any force investigated by chain of command officials, then the Force Investigation Team shall be notified and will handle the force investigation.



Emergency Response Team Investigations

The Metropolitan Police Department Emergency Response Team is a specialized tactical unit that responds to handle highly dangerous situations. In order to reduce the risk of serious injury, the Emergency Response Team employs various specialized less-lethal tactics and service weapons. Accordingly, management officials from the department's Emergency Response Team will investigate less lethal uses of force by members of the unit, when the force occurs as part of specific Emergency Response Team duties (i.e. barricades, high risk warrants, etc).

However, any firearm discharges, in-custody deaths, or serious use of force (as defined) involving members of the Emergency Response Team will be investigated by the Force Investigation Team. In these circumstances, Emergency Response Team managers and supervisors shall follow the protocols for Deadly and Less-Lethal Force Investigation Team protocols enumerated earlier in this section.



Report & Evidence Processing

Coordination for the completion of an incident's final investigative report and evidence processing is an integral part of the Metropolitan Police Department's desire for efficient management and quality control of use of force investigations and reviews. Therefore, it is imperative that all members of the department cooperate with the Force Investigation Team to help achieve this agency's goals as it relates to use of force incident management. Insomuch as these investigations are a critical component to the department, several elements are necessary:

1. The Force Investigation Team has developed uniform Preliminary and Final Use of Force investigative report templates for the Metropolitan Police Department. To ensure that these templates remain contemporary, they will constantly evolve through many methods. They include:
 - Benchmarking with other law enforcement agencies.
 - Interaction with established law enforcement research & development organizations.
 - Reviewing CALEA and similar industry standards
 - Examining police-industry publications, periodicals, and Internet sites.
 - Conferring with educational institutions.
2. In instances of serious use of force, the Force Investigation Team preliminary report of investigation will be forwarded, to the Chief of Police, through the chain of command, within twenty-four hours. A transmittal document to the Mayor of the District of Columbia from the Chief of Police will also be completed.

3. In instances of a serious use of force, the Force Investigation Team will complete a final investigative report with conclusions and recommendations within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
4. The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include: a determination of whether the force was consistent with MPD policy and training, a determination of whether proper tactics were employed, and a determination whether lesser force alternatives were reasonably available.
5. To ensure comprehensive and timely completion of investigations by the Force Investigation Team, the Lieutenant, Violent Crime Unit, Office of the Superintendent of Detectives, housed at the local police district, shall liaison and provide full cooperation with members of the Force Investigation Team.
6. The VCU Lieutenant shall ensure that a duplicate copy of all reports, communications, and information related to an enumerated use-of-force incident are provided to the Force Investigation Team immediately.
7. The Forensic Science Services Division (to include the Mobile Crime Lab and Firearms Examination Unit) shall ensure that a duplicate copy of all reports, communications, diagrams, lab results, and other related information are provided to the Force Investigation Team immediately.
8. The Director, Communications Division, shall ensure that duplicates of all related radio communication tapes of a use-of-force incident are immediately provided to the Force Investigation Team.
9. The Director, Information Technology, shall ensure that computer related communications (MDC Terminals) concerning to a use-of-force incident are immediately provided to the Force Investigation Team.
10. The Force Investigation Team *Force Review Operations Liaison* will maintain a repository of electronic and paper copies of Preliminary and Final Investigative Reports completed by the Force Investigation Team. In addition, the liaison will ensure coordination with the department's Use of Force Board.
11. Force Investigation Team final investigative report findings shall reflect both the criminal and policy findings. They shall be classified as follows:
 - **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate department
 - Justified, Within Departmental Policy**
 - Justified, Policy Violation**
 - Justified, Tactical Improvement Opportunity**
 - Not Justified, Not Within Departmental Policy**

policy.

- **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject violated a department policy.
- **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and tactical improvement endeavors.
- **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a department policy.

FIGURE 3.3 Force Investigation Team final report finding classifications.

The threshold of review in a criminal investigation is *probable cause*. The threshold of review in a policy review (administrative) investigation is a *preponderance of the evidence*.

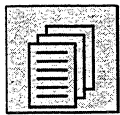
12. When allegations of excessive force or misconduct are made, the Force Investigation Team or the Office of internal Affairs (whichever is applicable), shall make one of the following dispositions:
 - a. **Unfounded:** Where the investigation determined no facts to support that the incident complained of actually occurred.
 - b. **Sustained:** Where the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.
 - c. **Insufficient Facts:** Where there are insufficient facts to decide whether the alleged misconduct occurred.
 - d. **Exonerated:** Where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

Use of Force Evidence Considerations

Use of force incident scenes shall be handled and processed as a crime scene. All accepted rules of evidence and evidence processing apply to use of force investigative scenes. The fact that a use of force occurred adds an additional dimension to the scene processing, and it is imperative that members adhere to all departmental protocols, as it relates to use of force scene processing. Accordingly, the following evidentiary actions shall occur in addition to regular crime scene processing:

1. Responding police officials *shall not* assume control over any service weapon that has been deployed (excepting unusual circumstances that must be documented). Service weapons that have been used shall be secured in the holster or holder which it is kept.

2. Responding officials shall assign a supervisor to stay with the officer(s) that have used force.
3. Responding officials shall not conduct questioning of the involved police officer about the use of force.
4. Responding officials shall ensure that the crime scene is protected, and shall control, limit, and restrict access to the area. Responding officials shall ensure that a crime scene access log is completed.
5. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved police officer, as well as the subject of the force (when practicable).
6. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved officer's equipment belt (where applicable), and all service weapons and equipment in the officer's possession.
7. Police equipment shall only be seized by a Forensic Science Services Division Technician in conjunction with members of the Force Investigation Team.
8. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall account for all rounds fired during a discharge, and shall count all ammunition remaining in an officer's magazine.
9. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall determine whether an officer involved in a use of force is carrying authorized weapons, and where applicable, authorized ammunition.
10. When a service weapon reportedly incurably malfunctions during an officer's attempt to fire, the weapon shall be taken out of service and evaluated by the Firearms Examination Section and an MPD armorer. Following the evaluation, the armorer shall document, in writing, whether the weapon had an inherent malfunction and was removed from service, malfunctioned because it was poorly maintained, or if the malfunction was officer-induced and a determination of the causes.
11. A use of force crime scene shall remain secured and protected until the scene is released by members of the Force Investigation Team.



Consulting the United States Attorney's Office

It is imperative that the public and the identified Force Investigation Team "customer base" have trust and confidence in the Metropolitan Police Department, especially in the department's ability to investigate police use of force.

Accordingly, in order to ensure the integrity of force investigations in the District of Columbia, the Metropolitan Police Department will consult regularly with the United States Attorney's Office for the District of Columbia (USAO).

1. The Force Investigation Team shall be the sole element of the Metropolitan Police Department to consult with the USAO about incidents involving deadly force, serious use of force, or force with potential criminal conduct.
2. The Force Investigation Team will telephonically notify the USAO immediately, in no case later than the next business day, following a deadly use of force or a serious use of force by a MPD officer, or following any use of force indicating potential criminal conduct involving an officer.
3. The Force Investigation Team shall consult by meeting with the USAO regarding the investigation of an incident involving deadly force, a serious use of force, or any other force indicating potential criminal conduct by an officer. The Force Investigation Team shall consult with the USAO within four (4) business days of the occurrences, absent exceptional circumstances.
4. The term "consult," means an exchange of information in a timely manner between the parties intended to consider the parties' respective positions. This exchange of information shall include, but not limited to, preliminary investigative files, reports, statements, photographs, and radio runs, as such items become available.
5. If the USAO indicates a desire to proceed criminally based on the on-going consultations with MPD, or MPD requests criminal prosecutions in these incidents, any compelled interview of the subject officer(s) shall be delayed. Additionally, subject officers will not be compelled to make a statement if the USAO has not yet issued a criminal declination.
6. The USAO shall respond to a written request by MPD for charges, declination, or prosecutorial opinion within three business days of the written request, by either filing charges, providing a letter of declination, or indicating the USAO's intention to continue further criminal investigation.
7. The USAO will also handle the prosecution of any offenses that *led up to* the use of force, where applicable.



Statistical Analysis

The Force Investigation Team is the Metropolitan Police Department's central repository for use of force statistical data. The Force Investigation Team will compile, track, analyze, and report all use of force data. The Force Investigation Team will maintain up-to-date force statistics to allow for real time management review and analysis for trend analysis.

The following procedures will apply to Force Investigation Team statistical analysis;

1. The Force Investigation Team Force Review Operations liaison will be responsible for compiling, tracking, analyzing, and reporting use of force data.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the Force Review Operations Liaison as it relates to statistical tracking and analysis.
3. All use of force data shall be updated the next business day following the occurrence of any use of force incident.
4. Monthly statistical reports shall be submitted to the Chief of Police through the Assistant Chief, Office of Professional Responsibility.
5. The Force Investigation Team shall constantly seek out information and processes to study use of force data in order to identify trends. Once trends are indicated, the information will be analyzed to determine causation and effect. The Force Investigation Team shall prepare written reports documenting such trends for review by executive police management and the Institute of Police Science.
6. The Force Investigation Team shall prepare an Annual Report summarizing the activities of the Force Investigation Team for the previous year, as well as various charts and tables documenting use of force statistics.



Stakeholder Education and Outreach

Media scrutiny of law enforcement's use of force policies has raised awareness of these issues with the general public and all of the Force Investigation Team's customers. The reforms instituted by the Chief of Police, including the creation of the Force Investigation Team, has advanced the department and improved the public's trust. Nonetheless, the initiatives have caused some uncertainty and apprehension among the department's stakeholders. It is important for members of the department and other stakeholders to understand the mission, purpose, and procedures of the Force Investigation Team. Subsequently, a proactive approach to informing stakeholders about the Force Investigation Team is necessary. They include but are not limited to;

1. Members of the Force Investigation Team will address citizen groups and community organizations to explain use of force investigation policies and procedures.
2. Members of the Force Investigation Team will periodically attend element roll calls to introduce themselves and explain the team's mission, policies, and procedures.

3. The Force Investigation Team will address recruit officers, experienced officers, and other students to disseminate information relative to the responsibilities and operations of the Force Investigation Team.
4. The Force Investigation Team will meet periodically with appropriate labor organizations, including the Fraternal Order of Police and the Metropolitan Police Official's Association.
5. The MPD Office of Corporate Communications will assist the Force Investigation Team in developing appropriate presentations to members of the community and other stakeholders.
6. The Force Investigation Team will publish an Annual Report and post it on the department's web site.



Training Philosophy

Use of force incidents involving police officers are some of the most volatile aspects of policing today. As scrutiny of various departments force incidents have shown, it is imperative that the Metropolitan Police Department constantly upgrade its ability to manage and understand these complex situations.

The Force Investigation Team will always seek to enhance its operations through training, research, and development. Members will constantly strive to improve their ability to comprehend and investigate use of force scenarios. The sophistication of these investigations and the complexity surrounding related processes require training and education at unprecedented levels. The Force Investigation Team must become a *"learning organization."*

Accordingly, it is expected that the department will support, and team members will engage in, constant and earnest education and learning. Methods will include but are not limited to;

- Seminars and Training Sessions.
- Familiarity of current events through various print, electronic, an Internet outlets.
- Examination of police-industry publications, periodicals, and Internet sites.
- Benchmarking with other law enforcement agencies.
- Interagency coordination and collaboration.
- Interaction with established law enforcement research & development organizations.
- Consultation with educational institutions and industry experts.
- Knowledge of CALEA standards.
- Understanding of legal rulings and labor decisions

Additionally, the Force Investigation Team shall identify and evaluate training opportunities and programs. Recommended training programs that are endorsed by the Force Investigation Team shall be forwarded to the Chief of Police and the Institute of Police Science.

Finally, minimum Force Investigation Team training topics include but are not limited to:

- Basic Investigative Techniques
- Business Practices/Theories
- Civil Rights Law & Investigations
- Crime Scene Processing
- D.C. Code
- Deadly Force/Less Lethal Force Processes & Investigations
- Force-related Court Decisions
- Homicide Investigations
- Human Rights
- Interview & Interrogation
- MPD General Orders
- Policy (administrative) Investigations
- Post-Traumatic Stress Syndrome
- Prosecution processes/methods
- Trends in Force Investigations
- U.S. Code



Miscellaneous Section

There are several subjects that need to be addressed in this section. This section contains an assortment of subjects that relate to Force Investigation Team policies and practices. It is anticipated that this section will grow as new subjects arise.

Use of Force Involving Members of the Force Investigation Team

In the rare instance that a member of the Force Investigation Team becomes involved in a use of force incident, the following process will occur:

1. Designated Agents from the Office of Professional Responsibility, Office of Internal Affairs, will be responsible for investigating uses of force involving members of the Force Investigation Team.
2. The Office of Professional Responsibility, Office of Internal Affairs, will cross-train two Agents in use of force investigation techniques.
3. The designated Office of Internal Affairs Agents will investigate use of force in accordance with the guidelines established in this Operational Manual.
4. Management officials from the Force Investigation Team will provide investigative guidance and assistance to the OIA Agents. However, Management Officials from the Force Investigation Team will not review or approve investigative packages regarding uses of force by members of the Force Investigation Team.

College Internship Program

The Force Investigation Team recognizes the importance of imparting law enforcement knowledge to future law enforcement practitioners and stakeholders. Moreover, the Force Investigation Team realizes that there is value in seeking and sharing ideas with those striving to expand their education through college study. Accordingly, the Force Investigation Team sponsors a college internship program. The program adheres to the following guidelines;

1. The Force Investigation Team Force Review Operations liaison is designated as the College Intern Coordinator.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the College Intern Coordinator.
3. The Force Investigation Team will host college interns during all semesters; fall, spring, and summer.
4. Job descriptions and job description updates for college intern responsibilities will be drafted and updated by the College Intern Coordinator.
5. The College Internship Coordinator will ensure that the Force Investigation Team college intern job description is posted on the college internship web site *JobTrak*.
6. College interns must receive college credit for their involvement with the Force Investigation Team.
7. The number of interns selected will be based on workload needs and intern availability.
8. All college intern candidates shall be interviewed.
9. Selected college intern candidates shall be subjected to a background check by the MPD Office of Auxiliary Services, Office of Organizational Development.
10. Selected college interns shall be required to sign a confidentiality agreement.

Responsibility Centers

The devel Acco comr Each liaiso	External Liaisons	ate iter
	Local Law Enforcement Agencies: -Alexandria Police -Anne Arundel County Police -Arlington County Police -Calvert County Police -Charles County Police -Fairfax County Police -Howard County Police -Loudon County Police -Metro Transit Police -Montgomery County Police -Prince George's County Police -U.S. Capitol Police -U.S. Park Police	
	Office of the Corporation Council for the District of Columbia United States Attorney's Office Office of the Medical Examiner Law Enforcement Agencies Nationally	

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Management Procedures

Rules and procedures, as well as established policies, give direction and coordination to a use of force investigation. The on-scene Force Investigation Team manager directs and coordinates the team's efforts based on established policies. However, as a manager, he/she has the authority to allow for variations of the guidelines when needed. The flexibility is based on necessity and common sense.

The management function requires the manager to actively participate in the investigation. This does not mean engaging in operational tasks such as interrogation of suspects, crime scene collection, interviews of witnesses, etc. However, active participation means sharing an interest in the investigation, intelligently directing activities and utilizing investigative critiques to properly establish priorities. In addition, it enables the manager to assess the case and provide the necessary resources to effectively investigate the case.

The management of use of force investigations can be separated into five segments:

- Managing the preliminary investigation at the scene
- Directing specific investigative duties
- Managing the Crime Scene Search/Mobile Crime
- Providing effective documentation of events
- Conducting an investigative critique (an information conference of participants in the investigation, which can take place anytime during the investigation)

On-Scene Management

Once notified of a police involved use of force, it is imperative that Force Investigation Team managers record the following information:

- a. Date and time received
- b. How initial report was received
- c. Name of involved officers
- d. Complete details

At this point, the Force Investigation Team manager will respond to the scene. The Force Investigation Team manager is responsible for maintaining communication with command level personnel, including making follow-up notifications to the Commanding Officer of the Force Investigation Team, the Director of OIA, and at their request, the Assistant Chief of the Office of Professional Responsibility. In addition, the Force Investigation Team manager shall make notifications to the USAO of all deadly and serious uses of force or allegations of excessive force as soon as possible.

In addition to maintaining communications with command level personnel, the Force Investigation Team manager is responsible for ensuring the following:

- Recording the exact time of their arrival
- Record the exact address
- Record police units present
- Determine whether a VCU investigator is needed for the case, and if so, confer with the Watch Commander, Office of the Superintendent of Detectives, to assign one to the case.
- Confer with the patrol supervisor to establish cooperation
- Confer with the first arriving Force Investigation Team Investigator for a quick debriefing
- Make a visual inspection of the crime scene and the crime in order to get a feel for the case and establish parameters.
- Solicit opinions and/or theories from police supervisors on the scene.
- Determine investigative needs and make assignments.
- Implement an assignment sheet. (This sheet shall be used to recall who is performing what assignment.)

The Force Investigation Team manager's assignment sheet should detail exactly who has been assigned specific tasks. This enables the Force Investigation Team manager to properly assign members and record exactly what has transpired at the crime scene. As members report back, the manager should record a brief description of their results.

The Force Investigation Team manager will ensure that an investigative canvass is conducted, which is simply a door-to-door inquiry for witnesses.

If the involved officer or the subject of the force has been transported to a hospital, the Force Investigation Team manager shall assign a Force Investigation Team investigator, district supervisor, and/or VCU investigator to respond to the hospital to ensure proper evidence collection procedures are undertaken. Further, the Force Investigation Team manager shall direct that video and/or photos be taken of the involved officer and the subject of the force. If applicable, video shall also be taken of crowds that may have gathered as a result of the force incident.

Direct that ambulance or EMS personnel be interviewed. Their activities at the scene, as well as people that they may have seen or things they overheard, could be important.

Specific Duties

Regarding the suspect in custody:

1. Establish whether the use of force appears justified and/or if policy violations exist.
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing and interrogation of a suspect in custody

1. Direct FIT & VCU investigators to document Miranda warnings
2. Ensure that the interview is videotaped or that the statement is recorded, when possible

The formal interrogation should be conducted in the station, and no one should interfere with an investigator in the process of taking a statement from the suspect. This includes supervisors.

Regarding the officer (s) using force:

1. Establish whether members adhered to departmental policy
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing an officer involved in a use of force

1. Separate involved officer(s) to ensure integrity of statement(s)
2. Ensure involved officer(s) has opportunity to consult with their union representative and/or attorney, as well as members of the MPD Employee Assistance Program.
3. Direct FIT investigators to document Garrity warnings
4. If the involved officer(s) are cooperative, have FIT investigators conduct a walk-through with the officer(s) and take a preliminary statement at the scene, which may be used to assist in the recovery of any evidence or witnesses.
5. Ensure that the interview is videotaped or that the statement is recorded, when possible.

If the incident is classified as a *Deadly Force* or *Serious Use of Force*, the interview of the involved officer(s) should be conducted by the Force Investigation Team, and no one should interfere with the FIT investigator in the process of taking a statement from the suspect.

Dying Declarations

In those rare instances when a suspect is so seriously injured as a result of a use of force and the individual knows that he is going to die, Force Investigation Team investigators shall expedite to the hospital, obtain witnesses if possible, and attempt to obtain a statement from the subject of the force. Force Investigation Team investigators are not required to utilize a predetermined set of questions. However, they shall establish that the subject of the force is competent, lucid, and does believe that he or she is about to die.

Mental State/Behavior

Evaluation of the mental state/behavior of the subject of the force is important. Force Investigation Team investigators should assess whether mental state/behavior of the subject of the force contributed to the use of force. Members shall document the subject's actions and mental capacity at the time of arrest. This procedure is necessary to determine if the subject suffered from diminished capacity.

Crime Scene

One of the most important functions of a use of a force investigation is the processing of the scene. The purpose of crime scene processing is to obtain and secure evidence. Force Investigation Team managers should consider warrant exceptions:

1. Emergency
2. Plain view
3. Consent
4. Search of a suspect after arrest
5. Individual Standing (as per *Douglas Bey v. US 490 A.2d 1137,1139 n.6 (DC 1985)*)

Any search method can be utilized and is usually determined by the size, location, and complexity of the scene. It doesn't matter which method is selected as long as the search is systematic and complete.

The scope of the search is determined by a theory or hypothesis arrived at by involved investigators based on their initial observations and assessment. This theory, which is provisional, is based on simple objectively reasonable assumptions, witness statements, and physical evidence. One primary duty of the Force Investigation Team manager is to ensure that district supervisors have isolated and secured the crime scene.

Investigative Conferences

The investigative conference is an important part of any investigation. These conferences should be a formal meeting with investigators to discuss all aspects of the other four phases. Directed by the lead Force Investigation Team investigator, the purpose of the conference is to assess the investigation at each critical point of the investigative process by gaining an overall synopsis. Each member of the team

relates his/her progress and ideas; everyone is kept abreast of all developments. The meetings will be held weekly with the team and after each force incident with the on-call investigators.

Investigative Procedure Checklist

All members of the Force Investigation Team contribute to the process of investigating use of force incidents, whether as a lead investigator or a supporting investigator. Teamwork is necessary to ensure efficient and thorough force investigations. While not all inclusive, it is necessary that the following procedures be adhered to when conducting on-scene force investigations:

Lead Force Investigation Team Investigators (Less Lethal Squad)

- Locate the official in charge
- Obtain a debriefing from the official in charge
- Conduct initial scene assessment
- Brief assisting FIT investigators
- Coordinate FIT responsibilities
- Notify CSSO or Mobile Crime Lab, if not on scene
- View injuries
- Video or photograph injuries (Officer & Suspect)
- Take accurate notes
- Ensure that legal representation has been provided for members
- Conduct "Walk-Through" of scene with officer(s)
- Conduct a Walk-through with CSSO or Mobile Crime Lab members
- Prior to clearing the scene, conduct Walk-Through with FIT investigators
- Prior to being relieved from duty, submit Preliminary report

Supporting Force Investigation Team Investigators

- Assist with the identification, transport, and interview of witness officers and citizens
- Conduct a canvass of the immediate area to locate witnesses or information.
- Video or photograph the scene without audio.

- Take accurate and detailed, and complete notes
- Assist with other specific tasks as designated by the lead investigator or supervisor
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident
- Assist the lead in any other investigatory matters

Hospital Responsibilities

A FIT investigator shall respond to the hospital in all cases involving a hospitalization of an officer or suspect.

- Obtain information from the patrol officers at the hospital
- Locate any other witnesses or family members
- Identify and interview medical personnel
- Notify CSSO or Mobile Crime Lab technicians of any available evidence
- Photo injuries, medical documents
- Take audio recordings of witness statements
- Take accurate and detailed, and complete notes
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident.
- Assist the lead in any other investigatory matters

Resource Attachments

- i. Force Investigation Team Investigative System Flowcharts
- ii. Use of Force Reporting Matrix
- iii. Use of Force Reporting Form
- iv. Preliminary Report Template
- v. Final Report Template
- vi. Force Investigation Team On-Scene Worksheets
- vii. Officer Legal Protection Advisory Statement
- viii. Memorandum of Agreement between the U.S. Department of Justice and the Metropolitan Police Department
- ix. Related Metropolitan Police Department General Orders
- x. Summary of Relevant Supreme Court Cases
- xi. 2000 & 1999 Force Investigation Team Annual Reports
- xii. 2000 Less-Lethal Force Workload Analysis
- xiii. Grant Proposal Operational Costs

MIAMI-DADE POLICE DEPARTMENT SHOOTING INCIDENT SUMMARY FORM (2001)

OFFICER RELATED SHOOTING INFORMATION

IA Case #

Surrounding Area: (IA Code)

Neighborhood Ethnicity: (IA Code)

Weather: (IA Code)

Lighting: (IA Code)

Bystander Injury? Y / N

Original Incident Signal:

EMPLOYEE INFORMATION

Officer #:

Last

Middle

First

SSN (Employee Only)

Badge #

Weapon Status: (IA Code)

Cover Type: (IA Code)

Attire: (IA Code)

Holster: (IA Code)

Qualification Date:

Struck Body Armor?: Y / N

Assigned Call?: Y / N

Left Right Handed? L / R

Penetrated Body Armor?: Y / N

Self Initiated?: Y / N

of Shots Fired:

Dept Issued Firearm?: Y / N

Backup?: Y / N

of Shots Struck Victim:

Weapon Reloaded?: Y / N

Fired at Vehicle?: Y / N

Drew Gun?: Y / N

Weapon Reused?: Y / N

Vehicle Struck?: Y / N

Wearing Body Armor?: Y / N

Fatality?: Y / N

Weapon Impounded : Y / N

Weapon Type: (IA Code)

Weapon Make: (IA Code)

Ammunition Type: (IA Code)

Ammunition Caliber: (IA Code)

COMPLAINANT INFORMATION

Complainant #

Complainant Name:

Gang: (IA Code)

of Shots Struck Officer:

Cover Type: (IA Code)

of Shots Fired:

Weapon Type: (IA Code)

Weapon Make: (IA Code)

Ammunition Type: (IA Code)

Ammunition Caliber: (IA Code)

Impairment: (IA Code)

Revised 3/13/2001



SUBJECT: DISCHARGES OF FIREARMS BY POLICE PERSONNEL

I. PURPOSE

- A. The Philadelphia Police Department recognizes the value of all human life and is committed to respecting the dignity of every individual. The primary duty of all police officers is to preserve human life.
 - B. The most serious act in which a police officer can engage is the use of deadly force. The power to carry and use firearms in the course of public service is an awesome responsibility. Only the minimal amount of force necessary to protect human life should be used by all officers.
 - C. Above all, the safety of the public and the officer must be the overriding concern whenever the use of firearms is considered.
-

II. POLICY

- A. Members of this department will exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force. Deadly force will be used only as a last resort and then only to protect life, consistent with Department policy and the law. It is also the policy of this department that members will not unnecessarily or unreasonably endanger themselves in applying these guidelines to actual situations.
- B. Police officers shall not use deadly force against another person unless they reasonably believe they must protect themselves or another person present from imminent death or serious bodily injury.

NOTE: Serious bodily injury is defined as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- C. Police officers should not discharge their weapons when doing so will unnecessarily endanger innocent people.
- D. Police officers shall not discharge their firearms in defense of property.

**DIRECTIVE
10-1**

- E. Police officers should ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions.

NOTE: Retreating or repositioning is not a sign of weakness or cowardice by an officer; it is often a tactically superior police procedure rather than the immediate use of force.

- F. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no threat of imminent death or serious physical injury to themselves or another person present.
- G. Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than the moving vehicle.
 - 1. An officer should never unnecessarily place himself/herself or another person in jeopardy in an attempt to stop a vehicle.
- H. Police officers will not fire warning shots under any circumstances.
- I. Police officers shall not discharge their firearm to summon assistance except in emergency situations when personal safety is endangered and no other reasonable means are available.
- J. Police officers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.
- K. Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat, or when acting consistently with existing Department guidelines authorizing the humane destruction of deer.
 - 1. When on location with an injured animal which is not presenting an immediate threat to the officer or another person, every attempt should be made to confine or contain the animal and notify Police Radio to contact the SPCA.
- L. Police officers will not use a firearm as a club.
- M. Police officers should only draw their firearm when they believe a potential for serious bodily injury or imminent death to himself/herself or another person exists.
- N. The Internal Affairs Bureau (IAB) will be notified of any incident involving the discharge of a firearm by police.

DIRECTIVE 10-2

III. REPORTING DISCHARGES OF FIREARMS

A. The discharge of any firearm, whether accidental or intentional, by sworn personnel on duty or off duty (except test or target fire at a bona fide pistol range or lawfully hunting game) will be reported as follows:

1. The officer who fired the weapon will:
 - a. Immediately notify Police Radio of the occurrence and provide same with pertinent information regarding the need for supervisory personnel and emergency equipment, if required.
 - b. Inform the first supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence.
 - c. Make no additional statements to anyone except personnel of Internal Affairs.
2. Each officer at the scene of a discharge of a firearm by any police officer will:
 - a. Notify Police Radio of the discharge, unless the officer knows Police Radio has already received such notification.
 - b. Inform the first supervisor on the scene of the circumstances of the discharge and provide all relevant information concerning the incident.
 - c. Ensure the provisions of Directive 2, "Responsibilities at a Crime Scene" are followed.
3. Police Radio will:
 - a. Ensure that a district supervisor is dispatched to the scene.
 - b. Immediately make the following notifications:
 - (1) Internal Affairs Bureau (IAB)
 - (2) Homicide Division (only when death occurs or is likely to occur, or an officer is struck by gun fire)
 - (3) Detective division of occurrence
 - (4) District of occurrence
 - (5) District or unit to which officer is assigned
 - (6) Command Inspection Bureau (CIB), if applicable
 - (7) Crime Scene Unit (CSU).
4. First supervisor on scene will be responsible for the following:

DIRECTIVE 10-3

- a. Ensure that Police Radio has been notified of the incident.
- b. Determine which officer(s) fired their weapon(s) by examining the magazine/cylinder of the weapon of each officer present during the discharge.
- c. Any officer having left the scene prior to the supervisor's arrival, will be recalled in order to have his/her weapon inspected.

(1) Glock (semi-automatic) weapon inspection:

Instruct the officer(s) to remove the magazine for inspection and note the number of rounds. If the weapon has been fired, record the number of remaining rounds and take possession of the magazine. Supervisors, who are not Glock-trained, are prohibited from physically handling the weapon (excluding the magazine) during the inspection.

(2) Revolver inspection:

Pay special attention to the cylinder position before ordering the officer to open his/her weapon's cylinder. Note the condition of each round in all chambers and what chamber was located under the firing pin when the cylinder was opened. If the weapon has been fired, take note of the number of spent cartridges and take possession of all six rounds of ammunition, live or spent.

- d. Allow involved officer(s) to retain custody of the firearm, absent any exigent circumstances and reload their weapon with six new rounds or a new magazine. This will be done to ensure officers have a fully-loaded weapon while being transported to IAB.
- e. Ensure that information concerning the location(s) of the crime scene(s), and the general circumstances relative to the preservation and collection of physical evidence is provided by the involved officer(s) and disseminated to the assigned investigator by remaining at the scene until arrival of divisional detective personnel.
- f. Ensure that the provisions of Directive 2, "Responsibilities at Crime Scenes" are carried out.
- g. Escort the involved officer(s), if not incapacitated, directly to IAB. In the event that there are more officers than can be transported in one vehicle, another supervisor will be summoned to provide transportation.

DIRECTIVE 10-4

- (1) It is not necessary to have one supervisor for each involved officer.

NOTE: The first supervisor on the scene (Corporal, Sergeant, or Lieutenant)

will not delegate the responsibility of transporting officers to any other supervisor regardless of the district/unit assignment of the officer(s) involved. However, command-level personnel (captain or above) may assign a subordinate supervisor to transport involved officers in the event a commander is the first superior officer on the scene.

5. The Operations Room Supervisor (ORS) of the district of occurrence will:
 - a. Make notification via computer terminal to IAB by accessing the two-page IAB Notification Screen using computer code SEND/IA1A/901.

IV. INVESTIGATION OF POLICE DISCHARGES

A. The involved officer will:

1. Whether or not the discharge results in death or injury to any person, shall be temporarily assigned to non-street duties inside his/her command with their squad.
2. Have their case reviewed within five business days by Internal Affairs and returned to active duty unless circumstances exist that dictate otherwise.

EXCEPTION: Officers who discharge at deer will be returned to duty immediately after arrival of an IAB investigator. IAB will not come out to the scene when SWAT has killed a deer or other wild animal, except canines.

B. The Homicide Unit will:

1. Investigate all cases involving the discharge of firearms by police personnel resulting in or likely to result in death. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to IAB within seven calendar days.

C. The Detective Division of Occurrence will:

1. Investigate all other cases involving the discharge of firearms by police personnel. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to IAB within seven calendar days.

DIRECTIVE 10-5

NOTE: Other investigative units involved will coordinate their efforts with the assigned detective division.

D. Crime Scene Unit personnel will:

1. Process the scene after conferring with the assigned investigator.

E. The Officer's Commanding Officer will:

1. Ensure the commanding officer, IAB is notified.
2. Contact the Police Department's Employee Assistance Unit (EAP), within five (5) business days, in order to arrange confidential counseling whenever an officer has discharged his/her firearm, except at an animal.

NOTE: Commanding officers may use their discretion regarding required EAP counseling when the discharge is at an animal.

3. Also be responsible for having the officer retrained at the Lethal and Protective Weapons Unit (LPWU) before returning to duty (Exception: discharges at deer.)
4. Should the Commanding Officer, IAB, determine that circumstances exist to require the officer to remain off street duty, then he/she will submit a memo to the Police Commissioner within five (5) business days of the discharge seeking approval to extend the time period. If approval is granted, the Commanding Officer, IAB will so inform the involved officer's commanding officer. Absent other circumstances, the officer will be returned to street duty after five (5) business days.

F. The Internal Affairs Bureau will:

1. Assist in all investigations of discharges of firearms by police personnel.
2. Ensure a member of the IAB Shooting Team interviews the officer that fired the weapon.
3. Prepare a Supplemental Report (75-52) detailing the results of the IAB investigation.

NOTE: Upon completion of the supplemental report, the Chief Inspector, Internal Affairs Bureau (IAB), will forward a complete report to the Deputy Commissioner, Internal Affairs who will forward it to the Firearms Review Board Chairman.

DIRECTIVE 10-6

V. CUSTODY AND DISPOSITION OF FIREARMS DISCHARGED BY POLICE PERSONNEL

A. The Internal Affairs Unit will prepare a Property Receipt (75-3) at IAB containing the

following information: the firearm's make, model, caliber, and serial number. A second 75-3 will be prepared for the fired cartridge(s) and unfired ammunition. The IAB Police Shooting case number will be indicated on both Property Receipts.

- B. In discharges of firearms not resulting in injury and in any discharge (accidental or intentional) resulting in the shooting of an animal, the discharged firearm will be given to the transporting supervisor in accordance with the following guidelines:
1. When the firearm is to be returned, the assigned IAB investigator will designate, in the description section of the Property Receipt containing the firearm information, "FIREARM IS TO BE TEST FIRED AND RETURNED." The assigned IAB investigator's signature and date will follow. IAB will retain the white (control) copy of the Property Receipt for their records.
 2. The transporting supervisor will transport the firearm, fired cartridge(s), and unfired ammunition and both Property Receipts directly to Police Headquarters.
 - a. When the Firearms Identification Unit (FIU), Room 302 Police Headquarters is open, FIU will test fire and make every effort to expedite the examination and return the weapon to the involved officer. The test shots and firearm-related materials (bullets, specimens, and/or fired cartridge cases) will be retained at FIU.

NOTE: FIU is closed only on the 12 - 8 tour of duty, on weekends, and holidays.
 - b. When FIU is closed, the Evidence Receiving Clerk—Laboratory Division will aid the officer in securing his/her firearm in the mobile firearms storage box. A replacement firearm will immediately be issued to that officer. Subsequently, the FIU will contact the officer for return of his/her original firearm.
 - c. The firearm will be unloaded, but not cleaned prior to examination.
 - d. Upon completion of the FIU examination, a copy of the findings will be forwarded to IAB and the pertinent detective division.
- C. In all deliberate shootings (not involving animals) where an injury or death occurs and all accidental discharges of firearms resulting in injury or death, the following guidelines will be followed:

DIRECTIVE 10-7

1. The assigned IAB investigator will interview the involved officer and determine if the firearm can be returned to the officer.
2. If the firearm is to be returned to the officer, follow the procedure in Section V,B,1, and 2, except that the actual transportation of the weapon to FIU will be done by IAB.
3. If the firearm is not to be returned, the assigned IAB investigator will designate in the

description section of the Property Receipt containing the firearm information, one of the following:

- a. FIREARM IS TO BE TEST FIRED AND RETAINED—ISSUE A REPLACEMENT WEAPON.
 - b. FIREARM IS TO BE TEST FIRED AND RETAINED—DO NOT ISSUE REPLACEMENT WEAPON.
4. The assigned IAB investigator's signature and date will follow. IAB will retain the white (control) copy of any Property Receipt.
 5. The assigned IAB investigator will transport the firearm, fired cartridge(s), and unfired ammunition, and both Property Receipts directly to Police Headquarters.
 - a. When the Firearms Identification Unit (FIU) is open, the FIU clerk will take possession of the weapon and other material.
 - b. When FIU is closed, the Evidence Receiving Clerk, Laboratory Division will aid the IAB investigator in properly securing the weapon and related material in the mobile firearms storage box.
 - c. If a replacement firearm is to be issued, the involved officer upon leaving IAB, will proceed to FIU or Evidence Receiving Clerk—Laboratory Division.
 6. FIU will test fire the firearm in question and forward a copy of the findings to IAB and the pertinent Detective Division.

D. City-Owned Firearms

1. IAB will determine the disposition of the City-owned firearm and notify FIU to transport the discharged firearm to the Lethal and Protective Weapons Unit (LPWU). All other evidence, including fired cartridge(s) and unfired ammunition will be stored in the weapons vault at the Police College until released by IAB.

DIRECTIVE 10-8

2. During the second week of January and July, a status review of City-owned firearms being retained under the above conditions will be conducted by the Commanding Officer, Lethal and Protective Weapons Unit (LPWU) and IAB to determine which weapons may be returned to inventory.

NOTE: In discharges of approved privately-owned firearm carried on duty by police personnel, the same procedure will apply.

VI. DESTROYING INJURED DEER

- A. Firearms should not be used to destroy injured deer when they are not presenting an immediate threat to the officer or another person. Attempt to contact the Pennsylvania Game Commission at (610) 926-3136 or 1-(877) 877-9470.
- B. If the above agency is unavailable and the severity of the injuries are such that the animal should be destroyed for humane reasons, officers will first request the assistance of the SWAT Unit, who will be responsible for its destruction.
- C. SWAT personnel will:
 - 1. Upon destroying an animal, be responsible for completing the preformatted memorandum and the 75-48.
 - a. The memorandum and 75-48 will be submitted to the IAB Shooting Team within 24 hours of the incident.
- D. If the SWAT Unit is unavailable, the officer may destroy the deer, but only in the presence and on the orders of a supervisor.

NOTE: Usually one shot between the eyes or behind the ear of the animal should be sufficient to complete the task. However, in the event it becomes necessary for police personnel to destroy any animal suspected of being rabid by use of a firearm it is preferred that the animal be shot in the body rather than the head. The head needs to be examined by the Philadelphia Department of Public Health.

- 1. Police Radio will notify the IAB Shooting Team and the discharging officer and on-scene supervisor will remain on the scene until their arrival. (Exception: When SWAT personnel have performed the task.)
- E. Consideration should be given before discharging a weapon to destroy any animal (i.e., the close proximity of people and buildings, type of back stop or ground, etc.)

DIRECTIVE 10-9

- F. The Streets Department will be notified, via Police Radio, to remove the carcass of deer or other animals, found or destroyed by police personnel. Suspected rabid animals that are shot by police will be transported by the SPCA. Dogs that are shot by police will be transported by the SPCA or to the SPCA by police. They will not be transferred to any veterinary hospital or private veterinarian even if the animal is still alive.

VII. FIREARMS REVIEW BOARD (F.R.B.)

- A. The Firearms Review Board will function as an administrative tool to provide the Police Commissioner with information and recommendations regarding the use of deadly force by police personnel.
- B. The Firearms Review Board will be composed of:
 - 1. Designated Deputy Commissioner, who will act as chairperson.
 - 2. Chief Inspector, Detective Bureau
 - 3. Chief Inspector, Internal Affairs Bureau
 - 4. Commanding Officer, Education and Training Bureau.
- C. The Chairperson of the FRB will receive copies of all investigative reports on all discharges of firearms by police personnel.
- D. The FRB will examine the facts of every case in which a police officer discharges a firearm (excluding training, target practice on a bona fide firing range, or lawful hunting of game).
- E. The Chairperson will convene the Board for the purpose of reviewing the investigative reports on each case.
 - 1. If the review indicates that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Police Commissioner in writing.
 - 2. If the review indicates that further information is required, the Chairperson will schedule a hearing and summon the involved officer(s) and any witnesses necessary to enable the Board to complete its review.
 - a. If the Board determines as a result of the hearing that the officer's action was in accordance with departmental policy, the review will be terminated and the Chairperson will so notify the Police Commissioner in writing.
 - b. If the Board determines as a result of the hearing that the officer's action was not in accordance with departmental policy, the Chairperson will so notify the Police Commissioner and recommend a full hearing before the Police Board of Inquiry (PBI).

DIRECTIVE 10-10

NOTE: The findings of the FRB will in no way be determinative of the final disposition of any hearing before the PBI.

**RELATED PROCEDURES: Directive 2, Responsibilities at Crime Scenes
Directive 22, Use of Force
Directive 74, Animal Control**

**Directive 100, Official Authorized Weapons and Reporting Transactions of Other
Firearms by Police Personnel**

This Directive replaces Directive 10 dated 6-29-89 as well as all accompanying computer messages.

BY ORDER OF THE POLICE COMMISSIONER

DIRECTIVE 10-11

Subject Information

Last Name		First		MI	
Address:		City:		State:	
Zip Code:		Ph#			
Race	Age	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Arrest Number
Primary Charge:		All Secondary Charge(s):			<input type="checkbox"/> 302
Subjects Behavior/Condition at Confrontation (circle one or more below):					
Calm/Passive		Intoxicated		Drugged	
Mentally Ill		Hostile		Other: _____	
Injury to Subject (Circle one or more below):				Burn	
				OC Contamination	
None		Taser Shock		Concussion	
Dislocation		Lacerations		Nerve Damage	
Dog Bite		Puncture Wound			
Abrasion		Bruise		Fracture	
Human Bite		Paralysis		Unconscious	
Sprain/ Twist		Soft Tissue Damage			
Other: _____		Complaint of Pain: _____			
Body Parts Injured or Effected (circle one or more below):					
					Eyes
Abdomen		Back		Elbow	
Fingers		Hands		Internal	
Neck		Shoulder		Injuries	
Ankle		Buttocks		Face	
Genitals		Head		Knees	
Shoulder		Wrist		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Arm		Chest		Feet	
Groin		Hip		Legs	
Medical Treatment: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused					
Hospital:		Physician:		Admitted <input type="checkbox"/> Yes <input type="checkbox"/> No	
Was Subject Wearing Contact Lenses (OC Cases): <input type="checkbox"/> Yes <input type="checkbox"/> No		Were Lenses Removed: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Description of Injury/Medical Treatment:					
Civilian Witnesses:					
Last Name		First Name:		MI	
Address:		City:		Zip Code:	
Home Phone:		Work Phone:			
Last Name		First Name:		MI	
Address:		City:		Zip Code:	
Home Phone:		Work Phone:			
Summary of Incident:					
Police Officer's Signature:					
(Printed) Last Name:		First Name		MI	
Badge:		Payroll:			
Supervisor's Signature:					
(Printed) Last Name:		First Name		MI	
Badge:		Payroll:		Date Reviewed:	
Platoon Commander's Signature:					
(Printed) Last Name:		First Name		MI	
Badge:		Payroll:		Date Reviewed:	
Commanding Officer's Signature:					
(Printed) Last Name:		First Name		MI	
Badge:		Payroll:		Date Reviewed:	
Internal Affairs Division Notification					
Date:		Time:		General #:	

1. **GENERAL INFORMATION**

A. The policies of the Phoenix Police Department (PPD) are set forth as follows:

- Physical force
- Deadly force
- Less-lethal force
- Lethal weapons and equipment

B. Sworn Employees and affected police department employees will be instructed in these policies before employing any of the weapons, tactics, or techniques.

C. Only department-issued or approved weapons, equipment, and chemical agents will be authorized.

2. **DEFINITIONS**

Reasonable Belief	<ul style="list-style-type: none"> • When the facts and circumstances cause a reasonable and prudent law enforcement officer to act or think in a similar way under the circumstances.
Less-Lethal Force	<ul style="list-style-type: none"> • Is a tactic that when properly applied has minimal or no risk of causing death.
Deadly Force	<ul style="list-style-type: none"> • Any tactic or use of force that is likely to cause death or serious physical injury, such as the use of a firearm.
Serious Physical Injury	<ul style="list-style-type: none"> • A bodily injury that creates a reasonable risk of death; causes serious and permanent disfigurement; or results in long term loss or impairment of the functioning of any bodily member or organ.
Excessive Force	<ul style="list-style-type: none"> • The application of an unreasonable amount of force in a given incident based on the totality of the circumstances.
Types of Resistance	<ul style="list-style-type: none"> • Psychological Intimidation - Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness. • Verbal Non-Compliance - Verbal responses indicating unwillingness or threats. • Passive Resistance - Physical actions that do not prevent officer's attempt to control. • Defensive Resistance - Physical actions that attempt to prevent officer's control, but does not involve attempts to harm the officer. • Active Aggression - Physical actions of assault. • Aggravated Active Aggression - Deadly force encounter
Response Options	<p>The option used is determined by the totality of the circumstances</p> <ul style="list-style-type: none"> • Presence - Identification of authority. • Verbal Direction - Commands of direction or arrest. • Soft Empty Hand Control and Restraining Devices - Techniques that have a minimal chance of injury. <ul style="list-style-type: none"> * Restraining Devices - Handcuffs, Ripp restraint, ankle cuffs, shackles, wolf strap (transport use only) • Chemical Weapons - Oleoresin capsicum, C/N, and C/S. • M26 Advanced Taser • Intermediate Control Techniques - Techniques that have a probability of injury. <ul style="list-style-type: none"> * Hard Empty Hand Control * Impact Weapons * Stunbag Shotgun * Canine Application • Carotid Control Technique • Deadly Force

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3. GENERAL POLICY

- A. It is the policy of the Phoenix Police Department to use a reasonable amount of force to conduct the lawful public safety activities of the department.
- B. The response option employed will be reasonable and based on the totality of circumstances.
- (1) Officers involved in the use of force have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary reports, memos, etc.
- (2) Such circumstances that may govern the reasonableness of using a particular force option include, but are not limited to:
- The severity of the crime
 - Whether the suspect poses an immediate threat to the safety of officers or others
 - Whether the suspect is actively resisting arrest or attempting to evade arrest by flight
- C. All sworn employees will intervene, if a reasonable opportunity exists, when they know or should know that another employee is using unreasonable force.
- All sworn employees will immediately verbally report excessive force to a supervisor
- D. Medical Treatment - Officers are responsible for requesting medical treatment for suspects against whom force was used.
- (1) Any time there is an injury or an alleged injury as a result of force used by department personnel, employees will:
- Examine any person claiming injury and render first aid if necessary.
 - Request paramedics to respond to the scene, if appropriate.
 - Immediately notify a supervisor.
- E. When practical only those techniques taught by the department proficiency skills instructors will be used.

4. RESPONSE OPTIONS

- A. Presence
- Presence is established through identification of authority.
 - The presence of a canine at a scene falls under this parameter.
- B. Verbal Persuasion, Negotiation or Command
- Includes instruction or direction from an officer in the form of verbal statements or commands.

4. C. Soft Empty Hand Techniques and Restraining Devices - These techniques have a minimal chance of injury

(1) Control and restraint techniques include, but are not limited to:

- Wrist locks
- Joint locks
- Pressure points
- Handcuffing (metal, plastic, or soft restraint devices)
- Restraining devices (Ripp restraint, ankle cuffs, shackles, wolf strap (transport use only))

(2) Employees will not restrain suspects with their legs behind their back (hog-tying)

D. Chemical Agents - The use of chemical agents is considered a less-lethal tactic

Oleoresin Capsicum (OC) Spray (Punch II)	<p>May be used when reasonable and justified in the following situations:</p> <ul style="list-style-type: none"> • To prevent the possibility of injury to an officer or another person • To ward off threatening dogs or other animals • In tactical building entries such as search warrants • To subdue a person who is: <ul style="list-style-type: none"> * Threatening or attempting physical harm to himself or another * Resisting an arrest * Rioting * Interfering with an arrest <p><u>Carrying Procedures</u></p> <ul style="list-style-type: none"> • Uniformed Employees <ul style="list-style-type: none"> * All uniformed employees will be trained in the use of OC spray. * It will be mandatory equipment and will be attached to the gunbelt and carried at all times while on duty. * It will be carried with the canister in an upright position. • Sworn Plainclothes Employees <ul style="list-style-type: none"> * All plainclothes employees will be trained in the use of OC spray. * Sworn employees in plainclothes below the rank of commander will carry 3/4-ounce OC spray as readily available as their weapon. • Undercover Operations <ul style="list-style-type: none"> * Carrying OC spray is optional for sworn employees assigned to undercover operations. • Civilian Employees <ul style="list-style-type: none"> * Civilian employees authorized to carry OC spray will comply with the guidelines in this policy.
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4. D. Chemical Agents: (Continued)

<p>Oleoresin Capsicum (OC) Spray Punch II (Continued)</p>	<p><u>Directions for Use</u></p> <ul style="list-style-type: none"> • Employees using the 2-ounce OC spray will direct a one-second burst into the face of the suspect, effective range is normally 8-10 feet. • Employees using the 3/4-ounce spray will direct a three-second burst into the face of the suspect, effective range is normally 6-8 feet. • The suspect should then be immediately handcuffed and moved to a well-ventilated area; medical help will be requested should a suspect complain or display any severe or abnormal reaction to the spray. • Employees will not unnecessarily display or handle any Oleoresin Capsicum (OC) Spray Punch II <p><u>Post-Use Care</u></p> <ul style="list-style-type: none"> • Warm water can be used to flush the eyes without rubbing. • If water is not available, the Fire Department will be called to the scene. • Suspects should recover within 45 minutes; however, intense sensation of skin burning may persist for 30 to 90 minutes after exposure. • Salve or ointments should not be used on affected areas. • Suspects sprayed with OC will not be left unattended. • Paramedics will be called to the scene should a suspect exposed to OC spray complain or display any severe or abnormal reaction to the spray at any time. • Employees will continue to provide post-use care to the suspect until the suspect has recovered from the effect of the spray. • Employees will not lay suspects on their stomach in a police vehicle.
<p>Oleoresin Capsicum Spray Mark-9 Canister 18.34 ounce</p>	<p><u>Authorized Personnel</u></p> <ul style="list-style-type: none"> * Supervisors * Officers and supervisors of SAU, RDU, DOU, and TRU * Canine officers <ul style="list-style-type: none"> • Supervisors may direct an officer to deploy the Mark-9 canister when reasonable to do so. <p><u>Directions for Use</u></p> <ul style="list-style-type: none"> • Employees using the Mark-9 canister OC spray will direct a one-second burst into the face of the suspect from a minimum distance of 15 feet. • Employees using the Mark-9 canister OC spray in a riot control situation should direct the spray face level, from a minimum distance of 15 feet, into the crowd until the desired effect is achieved. • Employees will not unnecessarily display or handle any Oleoresin Capsicum Spray Mark – 9 canister 18.34 ounce. <p><u>Post-Use Care and Restrictions</u></p> <ul style="list-style-type: none"> • The same post-use care will be used as listed above for Punch II.
<p>Tactical Chemical Agents</p>	<ul style="list-style-type: none"> • Tactical chemical agents are considered non-lethal weapons. • Detailed training, deployment procedures, and tactical considerations are found in the appropriate bureau manuals.

4. D. Chemical Agents: (Continued)

Tactical Chemical Agents (Continued)	<p><u>Delivery Systems</u></p> <ul style="list-style-type: none"> • Iper Jet • 37mm Gas Delivery System • Ferret Rounds <p>* Ferret Rounds will not be directed at individuals because of the possibility of serious injury if the round strikes a person.</p> <p>* Ferret rounds will not be used against moving vehicles.</p> <p><u>Authorization for Use</u></p> <ul style="list-style-type: none"> • The use of tactical chemical agents will be limited to those officers and supervisors specifically authorized and trained in their use. • The Special Assignments Unit (SAU) is responsible for tactical chemical agent training; grenadier 1 and 2 levels, and will maintain the roster of officers certified to deploy chemical agents. • SAU, RDU, DOU, AND TRU supervisors may authorize use of tactical chemical agents.
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E. M26 Advanced Taser

General Information	<ul style="list-style-type: none"> • The M26 Advanced Taser is a less than lethal device, which uses propelled wires to conduct electrical energy which overrides a subject's central nervous system, incapacitating the subject. • The M26 Advanced Taser is a force option and its deployment will be reasonable and based on totality of the circumstances known by the officer at the time. <p><u>Authorized personnel</u></p> <ul style="list-style-type: none"> • Only Employees the rank of officer who are department certified as M26 Advanced Taser Operators are authorized to carry and deploy this device. • The M26 Advanced Taser is the only model authorized by this department.
Guidelines For Use	<ul style="list-style-type: none"> • The M26 Advanced Taser may be used on subjects who are using defensive resistance, active aggression, aggravated active aggression, or who are a threat to themselves. • Employees will not unnecessarily display or handle the M26 Advanced Taser <p><u>The M26 Advanced Taser will not be used in the following circumstances:</u></p> <ul style="list-style-type: none"> • Coercion of any type • Intimidation by reckless display • Escorting or prodding individuals • Waking unconscious or intoxicated individuals • Individuals operating a motor vehicle • Individuals holding a firearm when their finger is on the trigger • Handcuffed prisoner's resisting/refusing to enter a police vehicle, holding room, or hanging onto a railing or other item, etc. <p><u>Primary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> • Center mass of the subject's back <p><u>Secondary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> • If unable to fire at the subject's back, officers will fire at either side of the body. • The front center mass of the subject may be used if other target areas are unavailable.

4. E. M26 Advanced Taser: (Continued)

<p>Guidelines (Continued)</p>	<p><u>Target Areas for Touch Stun</u></p> <ul style="list-style-type: none"> • Muscle or nerve points on the front, back, side, legs, and arms (radial nerve, brachial plexus tie-in, common peroneal etc.) <p><u>Non-Target Areas</u></p> <ul style="list-style-type: none"> • Head, neck and groin <p><u>Ranges for Probe Deployment</u></p> <ul style="list-style-type: none"> • Maximum range 21 feet • Minimum recommended effective range 3 feet • Preferred range 12 to 18 feet <p><u>Tactical Considerations</u></p> <ul style="list-style-type: none"> • Announce deployment to prevent contagious fire • Communicate with other officers upon arriving at the scene • The following should be considered prior to using the device on suspects in water: <ul style="list-style-type: none"> * Any significant amount of water may cause the subject to drown and will hinder other officers assisting in the apprehension of the suspect. * Deep water reduces the target area. • Do not use when: <ul style="list-style-type: none"> * The suspect is in danger of falling from a significant height. * In conjunction with OC spray * Suspects are near flammable liquids or gases. <p><u>Impounding Procedures</u></p> <ul style="list-style-type: none"> • Place the probes backward in the spent cartridge and cover with a biohazard sticker. • The cartridge, probes, and some identification affids will be impounded in a plastic container and then into a plastic evidence envelope and marked with biohazard stickers and impounded as evidence on the arrest report. • The spent cartridge serial number will be included on the invoice and in the DR. • Reporting procedures – see paragraph 6 of this order
<p>Medical Treatment</p>	<p><u>Effects of the M26 Advanced Taser</u></p> <ul style="list-style-type: none"> • Minor Puncture wounds and skin irritation • Has no effect on heart rhythms, but may cause temporary disruption to pacemakers with no long-term effects <p><u>Upon deployment officers will:</u></p> <ul style="list-style-type: none"> • Request paramedics respond to the scene • Prior to arrival of paramedics, M26 Advanced Taser Operators may remove probes from the subject, while wearing latex gloves, keeping in mind blood borne pathogen concerns. • Do not remove probes from the subject's eyes, face neck or groin. • Notify a supervisor who will respond to the scene

4. F. Intermediate Control Techniques - Techniques that have a probability of injury.

Hard Empty Hand Techniques	<p><u>Include but are not limited to:</u></p> <ul style="list-style-type: none"> • Closed fist strikes • Hammer fist strikes • Palm-heel strikes • Kicks • Knee strikes • Elbow strikes <p><u>Guidelines for Use</u></p> <ul style="list-style-type: none"> • Areas to avoid are the neck, back, sternum, kidneys and groin. • Hard empty hand techniques may be used when facing the active aggression level of resistance • Although these techniques may be used in some situations when facing passive resistance, officers will first attempt verbal persuasion and soft empty had techniques when practical. • Closed fist, palm-heel, and elbow strikes are the only techniques that may be used to strike the face and head and then only when reasonable as a means to overcome a violent attack. <ul style="list-style-type: none"> * A supervisor will be advised and will respond to the scene to view and evaluate the suspect. * Jail personnel will be advised; the use of force option will be noted on the booking slip.
Impact Weapons	<p><u>Straight, Side-handle, or Expandable Baton</u></p> <ul style="list-style-type: none"> • Impact weapon strikes may be used when facing the active aggression level of resistance. • Passive resistance or resistance such as a prisoners refusal to enter a police vehicle or holding room, to let go of a railing, etc., is not sufficient in itself to justify the use of impact weapon strikes. • When the use of the impact weapon is warranted, officers will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury. • Officers will not purposely strike or jab suspects with an impact weapon on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation. <p><u>Authorization to Carry Impact Weapons</u></p> <ul style="list-style-type: none"> • Employees may carry impact weapons at their discretion unless specifically required otherwise. • The impact weapon will meet specifications of Operations Order 3.15, Uniform Policy. • Employees who elect to carry an impact weapon must satisfactorily complete the appropriate course taught by a department impact weapons instructor.

4. F. Intermediate Control Techniques: (Continued)

Flashlights	<ul style="list-style-type: none"> Flashlights are not designed as impact weapons; however, a flashlight may be used as an impact weapon if a baton is not readily available. Officers will not purposely strike or jab suspects with a flashlight on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation.
Canines	<p>Canines are considered a less-lethal tactic when properly deployed.</p> <ul style="list-style-type: none"> Canines will not be used for control of crowds or in any circumstances where a strong potential exists for discrediting the department. Canines may be used to search for or apprehend felony suspects when public or officer safety is threatened sufficiently to justify this level of force. Canines may be used to search for misdemeanor suspects; however, the animal will remain on lead unless officer safety is threatened. <p><u>Procedures for Deploying Canines</u></p> <ul style="list-style-type: none"> Whenever time and circumstances permit, a verbal warning will be given to a suspect before releasing the canine to conduct a search. An announcement identifying police authority and giving directions to the suspect should be made in addition to stating that the canine will be released if the suspect fails to comply. Detailed procedures for canine use are found in Operations Order 5.3, Specialized Investigations and Assistance, and the Tactical Support Bureau Manual.
Stun-Bag Shotguns And Sage SL-6 (SAU)	<ul style="list-style-type: none"> Stun-bag shotguns and Sage SL-6s (SAU) may be used in situations where distance is necessary to maintain officer safety and the use of impact weapons is a reasonable use of force (i.e., subduing a person who is threatening or attempting physical harm to himself or another). Stun-bag or Sage SL-6 (SAU) rounds should not be fired through mediums such as glass or chain link fences because the bag might tear and lead shot might be released. Officers should anticipate firing follow-up shots if the prior shot missed or was not effective. The affected bureau/precinct/duty commander will be immediately notified of all incidents involving the use of a stun-bag shotgun or Sage SL-6 (SAU). Optimal ranges for the stun-bag shotgun are between 5 and 20 yards. If possible, officers should consider other force options at less than 5 yards <p><u>Primary Target Areas</u></p> <ul style="list-style-type: none"> Arms below the elbow Lower abdomen Buttocks Legs <p><u>Secondary Target Areas</u></p> <ul style="list-style-type: none"> Arms above the elbow Back, excluding spinal cord area from base of skull to tailbone Knees

4. F. Intermediate Control Techniques: (Continued)

<p>Stun-Bag Shotguns And Sage SL-6 (SAU) (Continued)</p>	<p><u>Non-target Areas</u> - Shots to non-target areas can result in fatal or serious injury.</p> <ul style="list-style-type: none"> • Head • Spine • Head • Thorax • Neck <p><u>Additional Information</u></p> <ul style="list-style-type: none"> • For specific guidelines reference the stun bag shotgun, refer to Operations Order 4.25, Firearms. • For specific guidelines reference the Sage SL-6, refer to the Tactical Support Bureau Manual.
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G. Carotid Control Technique

<p>Guidelines</p>	<ul style="list-style-type: none"> • The carotid control technique is designed to reduce the flow of oxygenated blood to the brain. • If oxygenated blood flow to the brain is cut off for four to six minutes, irreparable brain damage may occur. <p><u>When to Use the Carotid Control Technique</u></p> <ul style="list-style-type: none"> • The carotid control technique should only be used on subjects who are using active aggression, aggravated active aggression, or who are a threat to themselves or others. <p><u>Improper Applications of the Carotid Control Technique</u></p> <ul style="list-style-type: none"> • This technique will not be used to render a suspect unconscious for the following situations: <ul style="list-style-type: none"> * Administrative reasons, such as obtaining fingerprints, photographs, etc. * If a suspect demonstrates passive resistance, such as refusing to enter a police vehicle, holding room, etc. <p><u>Post-Use Care</u></p> <ul style="list-style-type: none"> • If a suspect is rendered unconscious as a result of the application of this technique, officers will comply with the following: <ul style="list-style-type: none"> * Immediately handcuff the suspect. * Roll the suspect onto the side and check for vital signs. Recovery time will vary, but usually takes 20 to 30 seconds. * Paramedics will be summoned to the scene immediately in all cases. * If cardiopulmonary resuscitation (CPR) is necessary, officers will remove the handcuffs immediately. <p><u>Notifications</u></p> <ul style="list-style-type: none"> • A supervisor will be notified immediately that the carotid control technique was applied and will respond to the scene. • Employees will advise receiving officers, including detention personnel who may assume custody of the suspect, that the suspect was rendered unconscious by the use of the carotid control technique. • The use of the carotid control technique will also be reported on relevant PACE reports, booking slips, and referrals, etc.
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4. G. Carotid Control Technique: (Continued)

Guidelines (Continued)	<u>Restrictions</u> <ul style="list-style-type: none"> • Employees will not use the technique more than once on the same suspect because of the possibility of progressive physical injury. • The suspect will remain handcuffed or restrained, as necessary, to avoid subsequent applications of the carotid control technique. • Officers will not restrain suspects who have had the carotid control technique applied with their legs behind their back (hog-tying).
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H. Deadly Force

Guidelines	<u>Officers may use deadly force under the following circumstances:</u> <ul style="list-style-type: none"> • When such force is reasonable to protect themselves or a third person from another's use or threatened use of deadly force • To prevent the escape of a subject whom the officer has probable cause to believe has committed an offense involving the infliction or threat of serious physical injury or death and is likely to endanger human life or cause serious injury to another unless apprehended without delay. • In situations where the officer must overcome an attack that the officer reasonably believes would produce serious physical injury or death to the officer or another person <ul style="list-style-type: none"> * When the use of techniques taught by the department proficiency skills instructors is not practical under the circumstances, the officer may resort to any reasonable method to overcome the attack. • When the circumstances justifying the use of deadly force no longer exist, deadly force will immediately be discontinued. <ul style="list-style-type: none"> * Officers still may use reasonable force to maintain control and to protect themselves from danger. • Deadly force is utilized as a last resort when other measures are not practical under the existing circumstances. • The intentional use of a police vehicle against a suspect on foot will be considered a use of deadly force. <ul style="list-style-type: none"> * Officers will not attempt to deliberately collide with other vehicles or use a police vehicle to force any vehicle off the roadway.
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4. H. Deadly Force: (Continued)

Guidelines (Continued)	<p><u>Use of Firearms</u></p> <ul style="list-style-type: none"> • In addition to the guidelines listed above, employees will discharge firearms in connection with police activities only, and in accordance the following policies, whether on or off duty. • Employees will not unnecessarily draw or display any firearm, or carelessly handle a firearm. • Warning shots will not be fired. • When the shooting of a suspect appears imminent employees will, if practical, issue a verbal warning. • Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists. • Employees will not discharge a firearm from a moving vehicle. • Firearms will only be used to kill an animal that poses an immediate danger to the employee or the public, when other means of protection are impractical. <p><u>Vehicles</u></p> <ul style="list-style-type: none"> • Weapons will not be fired solely to disable a moving vehicle. * Weapons may be discharged at the driver, or other occupant, of a moving vehicle only when the officer has probable cause to believe that the subject poses an immediate danger of death or serious physical injury to the officer or others and the use of deadly force does not create a danger to the public that outweighs the benefits of its use. • Officers will not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement. * This is generally considered tactically unsound unless executed as part of a tactical plan that is intended to enhance safety. * This is not intended to prevent officers from moving in front of or around vehicles during the execution of routine traffic duties, such as directing traffic. • Officers are reminded of the serious risks involved in reaching in or leaning into a running vehicle with an occupied driver's seat. • Exigent circumstances must exist before an officer may reach or lean into a running vehicle with an occupied driver's seat. • When it is safe to do so, placing a police vehicle directly in front and rear of the suspect vehicle provides an extra margin of safety. <p><u>Notifications</u></p> <ul style="list-style-type: none"> • Employees who discharge any firearm will make a verbal report to a supervisor as soon as possible and submit a written-report as soon as practical. * A command officer can make an exception to this requirement. • The employee's bureau/precinct commander or the duty commander will be advised of the weapon discharge incident. • Firearms training, lawful target practice, and lawful hunting are exempt from this paragraph.
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5. RESPONSE OPTIONS TRAINING

A. All sworn employees will receive annual training on the use of force options and policy by department authorized instructors, who are certified through Arizona Police Officers Standards and Training Board (AZPOST).

B. Impact Weapons

Basic Impact Weapons Training	<ul style="list-style-type: none"> Recruits will receive basic impact weapons training while in the academy. Employees not previously certified in basic impact weapons usage may receive impact weapons training on duty or, if they are unable to complete the training during their assigned shift, in an authorized off-duty training program. Overtime will be authorized for any impact weapons certification/re-certification training only when employees are unable to complete the training during their regular on-duty shift.
Impact Weapons Proficiency Training	<ul style="list-style-type: none"> Employees carrying impact weapons will successfully demonstrate proficiency in its use annually. Department training records will reflect which impact weapon/s an officer has elected to carry and the date-required basic and proficiency training was completed.

C. Stun Bag Shotguns and Sage SL-6 (SAU)

- All sworn employees assigned to patrol will be trained in the use of the stun bag shotgun.
- All sworn employees will receive stun bag training upon assignment to patrol and every year thereafter.
- See Operations Order 4.25, Firearms and the Tactical Support Bureau Manual

D. Chemical Agents

- All sworn employees below the rank of commander will receive training regarding use of OC spray annually.

E. Carotid Control Technique

- In order to use the carotid control technique an employee must satisfactorily complete the basic training course for carotid control.
- Employees will only use the carotid control technique taught by department defensive tactics instructors.
- Employees must pass a proficiency test administered by a department certified defensive tactics instructor.
- Officers will receive this training while attending post academy.
- Employees not previously trained in the basic carotid control technique must receive carotid control technique training and will demonstrate proficiency prior to utilizing it.
- Employees who are authorized to use the carotid control technique will demonstrate proficiency in its use annually.
- No other type of neck restraint/hold is authorized.

F. Firearms

- See Operations Order 4.25, Firearms.

6. **REPORTING OF USE OF FORCE INCIDENTS** - Employees will document the use of each response option.

A. **General Reporting Guidelines** - Supervisors completing use of force reports will forward each report through the chain of command to their respective bureau/precinct commander for review.

Officer Presence Verbal Persuasion Negotiation or Command Soft Empty Hand and Restraining Devices	<p>Document the following as required in PACE DRs:</p> <ul style="list-style-type: none"> • Officer presence • Verbal persuasion, negotiation or commands used • Soft Empty Hand and Restraining Devices <p>Reporting requirements when injury or alleged injury occurs:</p> <ul style="list-style-type: none"> • A supervisor will be contacted as soon as possible. • The PACE general heading use of force section will be completed and details of how the injury was sustained will be documented in the narrative section of the PACE DR. • If no injury is visible, this will also be documented. • The supervisor will complete a PACE Use of Force/Prisoner Injury Report.
Chemical Agents	<p>Reporting requirements for all incidents involving the use of chemical agents:</p> <ul style="list-style-type: none"> • A supervisor will be contacted as soon as possible. • The PACE general heading use of force section will be completed and details of the use of the chemical agent will be documented in the narrative section of the DR. • Details of the use of the chemical agent will be documented in the narrative section of the DR. • The contacted supervisor will complete a PACE Use of Force/Prisoner Injury Report only upon complaint of injury. <p><u>Review of the Documentation</u></p> <ul style="list-style-type: none"> • Supervisors will review all DRs that document use of chemical agents. • Documentation of this review will be noted in the Supervisor's Monthly Inspection Report (Form 80-38D).
M26 Advanced Taser	<p>Reporting requirements for all incidents involving the M26 Advanced Taser</p> <ul style="list-style-type: none"> • A supervisor will be contacted as soon as possible. • The PACE DR general heading use of force section will be completed and the details regarding the use of force will be documented in the narrative section of the DR. • All incidents involving the M26 Advanced Taser will be reported in the Use of Force/Injured Prisoner Report and will include the following: <ul style="list-style-type: none"> * Reason for deployment * Serial number of Taser used * Number of times deployed * Target and impact locations * Distance of the suspect from the officer/s who deployed the Taser * Effectiveness and result of use <ul style="list-style-type: none"> • See paragraph 6.B of this order.

6. B. Use of Force/Prisoner Injury Report - Incidents will be investigated using the Use of Force/Injured Prisoner Report.
- No additional paperwork or memoranda are required unless unusual circumstances exists.
 - Digital Image Photographs will be taken of any injuries.
 - The bureau/precinct commander will finalize the report after review.
 - The finalized report will be forwarded via PACE system to Patrol Operations Bureau for distribution to the appropriate Division Chief.
 - After review, the reports will be forwarded to the Use of Force Board Chair for final review.

7. **SHOOTING AND USE OF FORCE INCIDENTS RESULTING IN DEATH OR SERIOUS INJURY**

A. Required Reports - Supervisors should complete the following reports:

- Shooting Investigation (See 7.E of this order)
- Use of Force/Injured Prisoner Report.

B. Investigation Responsibility

Shooting and Use of Force Incidents Resulting in Death or Serious injury	<p>All shooting and use of force incidents resulting in death or serious injury involving employees of this department will be investigated concurrently by the following:</p> <ul style="list-style-type: none"> • Professional Standards Bureau • Involved employee's supervisor • General Investigation Bureau - Homicide Unit • Incident Review Unit <p>EXCEPTION: Incidents listed in the following sections will be investigated accordingly.</p>
Non-Injury Accidental Discharges, Shootings Involving Animals	<ul style="list-style-type: none"> • The employee's supervisor will investigate non-injury accidental discharges not involving a police action and shootings involving animals.
Accidental Discharge Involving Police Action	<ul style="list-style-type: none"> • If an accidental discharge occurs while the employee is performing a police function and a citizen or suspect is in close proximity (i.e., attempting to arrest a suspect), PSB will conduct the investigation.

C. Notifications - The ranking officer at the scene will notify the Professional Standards Bureau Commander, GIB Commander, and Incident Review Unit Lieutenant.

D. Handling of Involved Employee's Firearm

- (1) Employees involved in any incident in which their firearm was discharged will release the firearm to the officer or supervisor responsible for the investigation.
- (2) Employees who release their firearm for scientific analysis will be issued another firearm by PSB investigators prior to going off shift or returning to duty.

7. E. Shooting Investigation

(1) The written report will include the following pre-narrative information:

Investigating Supervisor	Name, serial number, duty assignment, work days and hours
Employee Involved	Name, serial number, duty assignment, work days and hours
Synopsis	
Reason for Shooting	Injured animal, accidental discharge, etc.
Occurred	Location, date, and time
Employee's Prior Use of Force Incidents and Dispositions	
Weapon Used	Make, model, caliber, ownership, and type of ammunition
Number of Shots Fired/ Impact Locations/ Backdrop Description	
Injuries or damage	Description of any animals involved and name, address, etc., of owner of damaged property/injured animals
Witnesses	
Photos/Latent Print Examiner	Name of the employee who took the photographs
DR Numbers of Other Related Investigations	
Details of Investigation	Narrative

(2) As soon as possible (after the scene investigation has been completed), the PSB Investigations Unit lieutenant will be contacted to obtain a PSB shooting incident number.

- If the incident occurs during non-business hours, the investigating supervisor will contact PSB at the beginning of the next business day and obtain the control number.
- The control number will be included in the subject portion of the memorandum in addition to any other title information.

- (3) All pertinent documents, including photographs, will be attached to the investigative report.
- (4) Evidence in the form of bulk items (e.g., guns, shell cases, etc.) will not be forwarded.
- (5) Supervisors will make no recommendations other than referring the matter to the Use of Force Review Board.

F. Routing of Administrative Use of Force Investigation

- (1) Incidents Investigated by PSB - The Professional Standards Bureau Division commander will forward a copy of the PSB report to the employee's division commander and Department Use of Force Board chairperson.
- (2) Incidents Investigated by the Employee's Supervisor - The original Use of Force/Injured Prisoner Report and shooting investigation will be forwarded to the division commander of the involved employee's bureau/precinct and Department Use of Force Board chairperson.

8. POST USE OF FORCE TRAUMA

A. Purpose

- (1) The physical and emotional well being of department employees is a primary concern following any use of force incident.
- (2) The following guidelines have been established to ensure that the physical and emotional needs of department personnel are addressed.

B. Definitions

Use of Force Incident	Any situation where a department employee seriously injures or kills a person
Persons Directly Involved	Employees who seriously injure a person or who are seriously injured and those who participate in the incident
Post Use of Force Trauma	The emotional and physical effects that may occur to persons who have been involved physically or emotionally in a use of force incident

C. Assistance at the Scene of Any Use of Force Incident

- (1) Critical Incident Stress Management (CISM) Team - A CISM team coordinator will be contacted to evaluate the incident and call out CISM team members as needed in all use of force incidents.
- (2) Command Personnel - Appropriate command personnel, at the discretion of the Police Chief will initiate personal contact with the involved officer and family to provide department support and assistance as soon as possible.

D. Post Use of Force Counseling

- (1) Employees Directly Involved in a Use of Force Incident - All employees directly involved in a use of force incident will attend at least one session of psychological debriefing with one of the contract psychologists listed below.
- (2) The psychological debriefing will be scheduled as soon as possible after the incident by the employee's immediate supervisor.
 - (a) Counseling is available on a 24-hour per day basis if needed.
 - (b) Five follow-up sessions will be available at no expense to the employees.
 - (c) Employees will not be returned to enforcement duties until the debriefing is completed.
- (3) Verification of the visit, not the contents of the session, from the psychologist office will be included with the post use of force checklist to be forwarded to the appropriate division commander for review.
- (4) Employees Not Directly Involved in a Use of Force Incident
 - (a) All employees who feel that they are or may be negatively affected as a result of their involvement are strongly encouraged to take advantage of the counseling services available through the Police Officer Assistance Program.
 - (b) This may include the employees' spouses or immediate family members.

9. D. Post Use of Force Counseling: (Continued)

- (5) Doctors Contracted to Provide Post Use of Force Counseling - The following doctors are contracted to provide post use of force counseling services:

John T. Beck, Ph.D. 4455 East Camelback Road Suite E-160 Phoenix, Arizona 85018 Telephone: 480-945-2550 Pager: 602-251-6571	James D. Lange, Ph.D. 2659 West Guadalupe Road Suite C-216 Mesa, Arizona 85202 Telephone: 480-820-7507	Claire A. Kurtz, Ph.D. 4659 South Lakeshore Drive Suite K Tempe, Arizona 85282-7150 Telephone: 480-491-3688 Pager: 480-203-0253
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- (6) Counseling Confidentiality Assurance - Employees who seek consultation or receive counseling through department consulting psychologists are assured maximum confidentiality.

- (a) No individual, group, organization, department, City employee, or official shall have access to any information regarding an individual's participation in the program except as noted.
- (b) The only exception to the guarantee of confidentiality is an indication by the officer to the psychologist of any **immediate physical danger to self or others**.
- (c) In the event of such an occurrence, the Police Chief shall be notified or action taken to ensure protection of those concerned.

E. Post Use of Force Reassignment

- (1) Reassignment Guidelines

Employees Who Seriously Injure or Kill a Person	<ul style="list-style-type: none"> • Any employee who seriously injures or kills a person and who is able to work may be assigned at home for the three days following the incident. • The employee will be provided with a pager to ensure availability to investigators. • The employee will be assigned to a non-enforcement position pending administrative review. • The Police Chief may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's division commander. • The employee will attend a psychological debriefing.
Any Other Employee Directly Involved in a Use of Force Incident	<ul style="list-style-type: none"> • Any other employee directly involved in a use of force incident resulting in death or serious injury to any person may be reassigned to a non-enforcement position pending administrative review of the incident. • The Police Chief may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's division commander. • The employee will attend a psychological debriefing.

- (2) Any employee involved in a use of force incident that results in assignment at home will submit a leave request (Form 80-80D) using reason code **PC**, Use of Force/Administrative Leave.

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9. E. Post Use of Force Reassignment: (Continued)

- (3) All employees directly involved in a Class III discharge of a firearm will be referred to the Training Bureau firearms staff for an appointment prior to returning to enforcement duty from administrative leave.
 - (a) The employee's bureau/precinct commander/administrator or designee will be responsible for contacting the Training Bureau firearms staff to schedule the appointment.
 - (b) This appointment will provide employees with the opportunity to fire their duty weapon and discuss any weapons related questions they may have as a result of their shooting incident.
 - There will also be the opportunity to discuss any tactical related questions they may have with a tactics instructor.
- (4) The administrative review process will be considered complete upon the findings of the Use of Force Review Board if the incident is found within policy or upon completion of the disciplinary review process if the incident is found to be out of policy.

1. PURPOSE/GENERAL INFORMATION

- A. It is the Phoenix Police Department's intent to administer discipline in a manner that is fair and consistent to all employees.
- (1) The use of the Discipline Matrix must be supported by a completed supervisory investigation/citizen complaint.
 - (2) Only sustained violations will be considered for discipline.
- B. Discipline is intended to correct inappropriate behavior.
- (1) The discipline will be appropriate to the offense and in compliance with the Discipline Matrix (see Addendum A).
- C. In cases of sustained minor infractions of policy (Class A violations only) commanders/administrators may deviate from using the Discipline Matrix as a discipline method.
- (1) When misconduct is attributed to a training need, remedial training/coaching may be afforded in lieu of discipline.
 - (2) Commanders/administrators will ensure proper justification is included within the investigation recommendation section to deviate from the use of the discipline matrix.
 - In cases where remedial training/coaching is recommended, approval must be received by the commander/administrator prior to administering the training/coaching.
 - (3) Following approval by the commander/administrator to issue remedial training/coaching rather than discipline, the affected employee will be notified of the deviation.

2. DEFINITIONS

Coaching	<ul style="list-style-type: none"> • Coaching is a type of "non-disciplinary" counseling • An ongoing pro-active process designed to help the employee gain greater competence and confidence. • Coaching assists in overcoming barriers to improve employee performance. • Coaching is used in situations where the employee needs skill development, desires to improve job performance, is not working up to standards, behavior change is needed, and/or desires career advancement.
Supervisory Counseling	<ul style="list-style-type: none"> • This is a verbal order that the supervisor will document in their notes. • The counseling will be conducted in a face-to-face meeting between the supervisor and the employee. • The supervisor will have the employee initial/date the documentation and ensure that the employee understands the purpose of the counseling and documentation. • Counseling may also be documented in the employee's performance evaluation and in sustained misconduct investigations, if within one year. • When deciding on whether or not to issue a supervisory counseling, supervisors should consider whether training/coaching would be a viable alternate to discipline.

2. **DEFINITIONS:** (Continued)

Written Reprimand	<ul style="list-style-type: none"> • This is used when a detailed written report of the facts must be included in the employee's department personnel file. • Supervisors will provide an opportunity for the employee to review and sign the Written Reprimand. • The employee will receive a copy of the Written Reprimand. • A Written Reprimand requires the authorization of a bureau/precinct commander/administrator. • Incident information detailed in a Written Reprimand may be documented in the current performance evaluation year. • If within three years of service, incident information in a Written Reprimand will be documented in sustained misconduct investigations.
Suspension	<ul style="list-style-type: none"> • A suspension may be for up to 240 hours without pay. • Commanders/administrators are authorized to suspend an individual without pay for up to eight hours as an option once the IRP process is completed. <p style="margin-left: 20px;">* This only applies to Class B, Step 2 offenses.</p>
Demotion	<ul style="list-style-type: none"> • A demotion is the reduction of an employee from a position in a higher pay class to a position in a lower class for which the maximum rate of pay is lower.
Dismissals/ Terminations	<ul style="list-style-type: none"> • When an employee is dismissed, the employee will receive: <ul style="list-style-type: none"> * A statement citing the reason for dismissal. * A statement of the effective date of the dismissal. * A statement of the status of fringe and retirement benefits after dismissal. * A statement regarding the content of the employee's employment record relating to the dismissal.
NOTE: See the current MOU for more information	

3. **OFFENSES THAT MAY RESULT IN DISCIPLINARY ACTION / DISCIPLINE MATRIX COMMITTEE PROCEDURES**

- A. Any violation of policy may result in formal discipline, regardless whether or not the violation is not specifically listed in Addendum A of this order.
- B. In investigations where the violation cannot be placed within the matrix or does not fit under a definition of unprofessional conduct, the investigating supervisor with the approval of his/her chain of command, will forward a memorandum requesting that a new category be created and rated into a classification to the chairman of the Discipline Matrix Committee.
- Discipline Matrix Committee members will rate the new violation and submit a recommendation to the Executive Officer Assistant Chief who will then notify the appropriate chain of command of the classification.
 - The memorandum will be authored in accordance with Operations Order 2.5.3, Written Directives.
- C. The committee, chaired by a commander/administrator, will meet annually in July and as needed during the year to review suggested policy revisions, to classify new categories and/or violations, and to consider any other matrix-related matters.
- The committee will have representatives from all sworn ranks up to and including commander, civilian personnel and supervisors, and representatives from PLEA, PPSLA, and AFSCME.

4. **DISCIPLINE MATRIX PROCESS OVERVIEW**

Process	<ul style="list-style-type: none"> • Sustain allegation/s. • Determine that training/coaching is not appropriate. <ul style="list-style-type: none"> * Deviation from the Discipline Matrix may be recommended for minor violations. • Research the employee's prior discipline. <ul style="list-style-type: none"> * List final class of all priors within time limits. * List new violation class from the class table in Addendum A. • Compound (if appropriate). • Determine placement within the matrix. • Complete IRC Form. • Prepare final recommendation. • Submit to commander/administrator for review and recommendation. • Prepare final documentation on appropriate form.
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5. **DISCIPLINE MATRIX - INVESTIGATING SUPERVISOR'S RESPONSIBILITY**

A. The matrix is not designed for remedial training, Employee Assistance Program referrals, or other non-disciplinary action.

- When training/coaching is not appropriate, the discipline matrix will be used when a violation of a departmental policy or procedure is sustained.

B. After completing a citizen complaint or supervisor-initiated investigation that has sustained violation/s of policy, supervisors will refer to the matrix to determine proper recommendations for discipline.

- The highest-class violation among the violations will be designated the primary violation.
- Other sustained violation/s will be considered aggravating circumstances.

C. If a single investigation sustains three or more violations of the same class, the discipline recommendation will be elevated to the next step within the matrix layout.

EXAMPLE: A single investigation sustains three Class A violations and the employee has no prior history within the matrix, the supervisor recommendation for discipline would be Step 2, Level 1-2, Supervisory Counseling or Written Reprimand.

D. Discipline Matrix Format - The matrix is divided into four sections.

Misconduct	<ul style="list-style-type: none"> • Identifies policy violations and the recommended discipline.
Violations and Classification	<ul style="list-style-type: none"> • Supervisors will use this table to locate the policy or procedure that closely matches that which was violated by the employee. • Supervisors will note the preliminary recommendation and proceed to the matrix layout.
Matrix Layout	<ul style="list-style-type: none"> • This table is used to place the policy violation in its final position. • The employee's discipline history is considered (see compounding).
Levels of Discipline	<ul style="list-style-type: none"> • The table indicates the recommended discipline.

5. E. Discipline History/Placement Within the Matrix Layout

- (1) When the investigation process is complete the investigating supervisor will research the employee's discipline history within the following time restrictions calculated from the date the employee actually received the discipline.
- (2) Discipline outside the time restrictions will not be considered, see the table below for time restrictions:

Supervisory Counseling	• One year
Written Reprimand	• Three years
Suspension (Up to and including 180 Hours)	• Five years
Suspension (Over 180 Hours)	• Ten years
Demotion	• Ten years
Commendations	• Equal to the oldest discipline - minimum five years

- (3) Prior to Discipline Matrix - Each violation of policy that resulted in a suspension, demotion, and/or termination (retained employment after Civil Service appeals) **prior** to the implementation of the Discipline Matrix policy will be considered.
 - (a) The date of violation is calculated from the date the employee was issued the discipline.
 - (b) Discipline to be considered must have occurred within the noted time restrictions.
- (4) Incidents prior to the Discipline Matrix will be placed as follows:
 - 8- 60-hour suspension - Class B
 - 60- to 180-hour suspension - Class C
 - 180-plus hour suspension, or Demotion/Termination - Class D

EXAMPLE	<ul style="list-style-type: none"> • Upon review, the investigating supervisor notes that within the last five years, Officer Doe received an 80-hour suspension. • Based upon a new investigation after the Discipline Matrix policy went into effect, a Class B violation against Officer Doe is sustained. • The previous suspension would be placed into Class A/B/C, Step 1. • Discipline for the new violation would be based on Class B, Step 2, 8- to 60-Hour suspension.
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- Violations of policy that resulted in a supervisory counseling and/or written reprimand prior to the implementation of the Disciplinary Matrix policy will not be considered.
 - Prior supervisory counselings and/or written reprimands may be considered as part of aggravating and mitigating circumstances if the previous discipline fell within the established time limits.
- (5) The investigator will use the highest class of the current sustained violation/s as the primary violation within the matrix.
 - Additional sustained violation/s will be listed by class.
 - Discipline, within the stated time limits, will be noted in the investigation.

5. F. Compounding Process

- (1) Compounding is the process to elevate a policy violation classification from a lower class to the next higher class or a higher step within the same class.
- (2) To maintain the integrity of progressive discipline, the matrix layout includes three discipline recommendation steps for each class of violation.
- (3) Based upon independent investigations, when a fourth similar class policy violation is sustained, the classification will be elevated to the next classification.

EXAMPLE ONE	<ul style="list-style-type: none"> • Based upon a fourth investigation, a Class A violation against Officer Doe is sustained. • Officer Doe has been the subject of three prior investigations where a Class A violation has been sustained and discipline has been based upon the matrix layout. • The current Class A violation is compounded and elevated to a Class B violation. • Discipline will be based upon Class B, Step 1, written reprimand.
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- (4) Higher-class violations may only be considered to compound lower class violations.

EXAMPLE TWO	<ul style="list-style-type: none"> • Officer Doe has been the subject of three independent misconduct investigations. • The first investigation sustained a Class A violation and discipline was based on Class A, Step 1, supervisory counseling. • The second investigation sustained a Class B violation and discipline was based on Class B, Step 1, written reprimand. • The third investigation sustained a Class A violation and discipline was based on Class A, Step 3, written reprimand, the prior Class B violations fill Class A, Step 2. • If Officer Doe becomes the subject of a subsequent investigation where a Class A violation is sustained, the Class A violation would be elevated to Class B, Step 2, written reprimand. • If Officer Doe becomes the subject of a subsequent investigation where a Class B violation is sustained the discipline is based on Class B, Step 3, 40- to 120-hour suspension. • If Officer Doe becomes the subject of a subsequent investigation where a Class C violation is sustained and there is no previous sustained Class C violations on file the discipline would be Class C, Step 1, 40- to 120-hour suspension.
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G. Mitigating and Aggravating Factors

- (1) During its review process, the Disciplinary Review Board will consider mitigating and aggravating factors.
- (2) The investigating supervisor will include within the misconduct investigation packet a memorandum detailing mitigating and aggravating factors for Disciplinary Review Board consideration.

5. G. (3) Mitigating and aggravating factors are not limited to but should include:

Commendations	<ul style="list-style-type: none"> • Documented incidents of outstanding performance and service to the department/community. • Will include the previous five years commendation history.
Training	<ul style="list-style-type: none"> • Any training specific to the behavior in question should be considered (timely, current?). • May be as simple as a review of policy or as formalized as structured classroom or other job-related training (firearms, driving, etc.). • All training must be noted in supervisory notes and/or department training records.
PMGs	<ul style="list-style-type: none"> • Includes both scheduled and unscheduled performance evaluations
Prior Discipline	<ul style="list-style-type: none"> • Includes prior sustained allegations and associated levels of discipline (within time limits) and any other notations regarding the specific behavior in question as outlined in supervisory notes (recent training and/or warnings specific to the behavior).
Seniority	<ul style="list-style-type: none"> • Seniority will be weighed against the behavior in question based upon the factors surrounding the incident, such as experience, training, culpability, and circumstances of the event.
Circumstances (Of the Incident)	<ul style="list-style-type: none"> • Was the employee involved in legitimate City business (i.e., responding to a call, making an arrest, etc.). • Was the employee acting in the best interest of the department/community and/or with due regard for safety?
Culpability	<ul style="list-style-type: none"> • An evaluation of the behavior should consider whether the employee acted intentionally or with knowledge that the behavior amounted to a violation of policy. • Did the employee recklessly disregard factors that a reasonable person would have considered or did the employee act negligently?
Employee Attitude	<ul style="list-style-type: none"> • What is the employee's attitude toward the behavior? • Discipline can only be effective if employees accept responsibility for their actions and continually strive to conduct themselves within the guidelines of department policy.

H. Final Recommendations - When it is determined that discipline is appropriate the following procedures will be used:

- (1) After the discipline history and compounding process are completed, the resulting highest class of the current sustained violation/s will be placed at the final level of discipline.
- (2) The recommended level of discipline will be stated at the conclusion of the investigation.
- (3) The investigation draft will include the Discipline Matrix Final Classification Worksheet Form.
- (4) If extreme mitigating or aggravating factors exist relative to the policy violation and/or the employee has a history of serious policy violations commanders/administrators may deviate from the standard recommended level of disciplinary action in the Discipline Matrix upon approval of the Executive Officer Assistant Chief.
 - A memorandum will be written and forwarded through the chain of command for the Executive Officer, Assistant Chief's consideration in order to deviate from the Matrix.
 - The affected employee will be provided a copy of the memorandum.
 - The Executive Officer Assistant Chief may request that the commander/ administrator and/or the employee (with association representation if desired by the employee) attend a meeting to discuss the deviation request.

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5. H. (5) Each sustained violation related to the current incident, along with the final level of discipline, will be listed individually on the supervisory counseling, written reprimand or separation notice for that incident.
- (6) When multiple sustained violation/s from various classes are listed on a single written reprimand or separation notice, the time restriction for the most serious level of discipline will apply to all violations listed on the document.
- (7) The final class of the primary violation will be considered in future discipline.

I. Consideration by the Disciplinary Review Board

- (1) Investigations with sustained violations that meet the criteria for a suspension (excluding 8-hour suspensions authorized by the bureau/precinct commander/administrator), demotion, or termination will be forwarded through the employee's division chain of command to the Disciplinary Review Board.

- (2) Based upon the employee's chain of command's recommended level of discipline shown within the matrix, (i.e., classification, step-identified, level of discipline, etc.), the Disciplinary Review Board will only consider a suspension within the listed range of hours.

EXAMPLE: Officer Doe's chain of command's final recommendation for discipline is based at Level 5, the Disciplinary Review Board may only consider a suspension between 80- to 180-hours.

- (3) Even though the Disciplinary Review Board may recommend additional training, coaching, community service, etc., the number of suspension hours may not be reduced below the range.

- (4) During the Disciplinary Review Board executive session, board members will weigh mitigating and aggravating factors to determine the final suspension hour total.

- (5) The board will place the sustained violation in the middle of the recommended level of discipline prior to considering mitigating and aggravating factors; the middle of each level will be:

- Level 1 - No mid-range
- Level 2 - No mid-range
- Level 3 - 34 Hours
- Level 4 - 80 Hours
- Level 5 - 130 hours
- Level 6 - 190 Hours

- (6) If mitigating factors outweigh aggravating factors, the board may recommend a suspension under the midrange.

- (7) If aggravating factors outweigh mitigating factors, the board may recommend a suspension over the mid-range.

- (8) The employee's commander/administrator may address the Disciplinary Review Board and make a recommendation to the board on the number of hours the employee should be suspended.

- (9) The recommendation from the Disciplinary Review Board to the Police Chief must be within the level action requirements.

- (10) The Police Chief is the final authority on discipline.

6. **TYPES OF REVIEW BOARDS**

Driving Analysis Committee (DAC)	<ul style="list-style-type: none"> Objectively reviews police equipment accidents, pursuits, and other employee driving incidents to determine if the action was in or out of policy and to recommend corrective action
Discipline Matrix Committee (DMC)	<ul style="list-style-type: none"> Regularly reviews categories of discipline Determines placement of newly created categories of discipline Reviews input from commanders/administrators, employee associations, and matrix board members.
Disciplinary Review Board (DRB)	<ul style="list-style-type: none"> Reviews all disciplinary reports that have been reviewed by a division commander that may lead to a suspension, demotion, or dismissal excluding 8-hour suspensions authorized by a commander/ administrator. Reviews all use-of-force incidents found to be out of policy by the Use-of-Force Board Makes recommendations to the Police Chief regarding the degree and severity of disciplinary action to be taken Will not review matters involving employees responsible for a Performance Achievement Plan
Executive Review Board (ERB)	<ul style="list-style-type: none"> Assists the Police Chief in providing consistent and timely information to the department's disciplinary process for those employees responsible for the Performance Achievement Plan Reviews disciplinary actions referred by the executive staff involving cases that may lead to demotion, suspension, or dismissal Reviews use-of-force incidents involving employees responsible for a Performance Achievement Plan.
Reserve Disciplinary Review Board (RDRB)	<ul style="list-style-type: none"> Reviews all disciplinary reports involving reserve officers in which a reduction in working status, demotion, or dismissal has been recommended by a bureau/precinct commander for acts of misconduct
Use-of-Force Review Board (UFB)	<ul style="list-style-type: none"> Conducts timely inquiries into police shootings and use-of-force incidents Examines all related support documentation surrounding police shootings and use-of-force incidents to determine if the incident was consistent with established department policy Examines all related policies and procedures governing the administrative handling of police shootings and use-of-force incidents Responsible for making recommendations for change necessary for maintaining department policy accountability, control and integrity, or training methods

7. **SELECTION OF BOARD MEMBERS**

A. Review Boards

TYPE OF BOARD	SWORN EMPLOYEES	CIVILIAN EMPLOYEES
Driving Analysis Committee (DAC)	<ul style="list-style-type: none"> Patrol Operations Bureau * Commander - Chair One rotating precinct/bureau commander Two precinct commanders - designated by the chairperson Driver training supervisor Traffic Bureau commander or designee with the rank of lieutenant Vehicular Crimes Unit (VCU) supervisor 	<ul style="list-style-type: none"> Same as for sworn employees

7. SELECTION OF BOARD MEMBERS continued:

Discipline Matrix Committee (DMC)	<ul style="list-style-type: none"> • One commander - chair • One rotating bureau administrator • One lieutenant • One sergeant • Two officers • Two civilian employees • Representative from each employee association, (PLEA, PPSLA, and AFSCME) 	<ul style="list-style-type: none"> • Same as for sworn employees
Disciplinary Review Board (DRB)	<ul style="list-style-type: none"> • One assistant chief - chair • Two commanders • Two employee peers • Two citizens of Phoenix 	<ul style="list-style-type: none"> • One assistant chief - chair** • One civilian administrator • One commander • Two employee peers • Two citizens of Phoenix
Executive Review Board	<ul style="list-style-type: none"> • Three assistant chiefs* • Two employee peers • Two citizens of Phoenix 	<ul style="list-style-type: none"> • Two assistant chiefs* • Director • Two employee peers • Two citizens of Phoenix
Reserve Disciplinary Review Board	<ul style="list-style-type: none"> • Patrol Operations assistant chief** • Reserve commander • One peer 	
Use-of-Force Review Board	<ul style="list-style-type: none"> • Executive officer assistant chief** • One commander • One employee peer • Three citizens of Phoenix 	
<p>NOTE: *The executive officer assistant chief will act as the chair of the board **Permanent members</p>		

B. Guidelines for Selection of Board Members

(1) General Guidelines

- (a) Members of each board will be selected on a rotating basis, except for the permanent members.
- (b) Individuals in the affected employee's chain of command will not be selected to participate in the review board.
- (c) The employee peer/s selected to serve on the board cannot be currently assigned to the affected employee's bureau/precinct.
- (d) The Police Chief may participate in the inquiry and examination of any person appearing before the Use-of-Force Review Board.

(2) Specific Guidelines for the Use-of-Force Board

- (a) Alternates - The other assistant chiefs are alternate members of the Use-of-Force Review Board and will be invited to participate on boards when the executive officer assistant chief is not available or a conflict of interest exists.

7. B. (2) (b) Advisory Members

Training Bureau Firearms Training supervisor	<ul style="list-style-type: none"> Serves in an advisory capacity to the board when the incident involves the discharge of a firearm
Training Bureau Non-lethal Force supervisor	<ul style="list-style-type: none"> Serves in an advisory capacity to the board in selected use-of-force incidents
Legal Unit Attorney	<ul style="list-style-type: none"> Shall serve with the board to provide legal assistance and advise May participate in the inquiry, however, is not a member of the board

- (c) Specialized Assistance - The assistant chief who chairs the board may request the presence of additional department personnel if specialized or technical expertise is required.

8. ADMINISTRATION OF REVIEW BOARDS

- A. Notification of Involved Employee/s - The employee/s involved in an incident to be brought before a review board will be notified of the board at least 10 calendar days prior to the meeting.

- (1) Disciplinary Review Boards (Including Reserve Board) - The notification will contain:

- Date and time of the board
- Violation/s
- Basis of each violation that has been sustained
- Name of board members

- (2) Executive Review Board - Notification will be the responsibility of the board chairperson, and will contain:

- Date and time of the board
- Violation/s
- Findings concerning allegations in the investigation

- (3) Use-of-Force Review Board - The notification will contain:

- Date and time of the board
- Type of incident (i.e., shooting, animal dispatch, accidental discharge)
- Name of board members

B. Board Recommendations

- (1) All Boards - After reviewing an incident, the boards will make a recommendation and submit it to the Police Chief.

(a) Such recommendations are advisory only.

(b) Recommendations of the board will be included in the permanent record of the disciplinary report.

- (2) Disagreement Concerning Recommendations from the DRB - Should a disagreement exist between the board and the division commander, the division commander may proceed with the board's recommendation or refer the matter directly to the Police Chief for further consideration.

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9. SPECIFIC GUIDELINES FOR REVIEW BOARDS

A. Disciplinary Review Board

(1) Incidents for Review

- (a) All use-of-force incidents found to be out of policy by the Use-of-Force Board.
- (b) All other disciplinary reports involving:
 - Criminal acts (for which the employee has been found guilty or has entered into a plea agreement)
 - Violations of law
 - Violations of the rules and regulations of the department in which a suspension, demotion or dismissal has been approved by a division commander

(2) Incidents That May Bypass the Disciplinary Review Board - Cases involving serious violations of the law or rules and regulations of the department to the extent that the employee could be immediately dismissed from employment may bypass the board and be referred to the Police Chief or designee for action through the chain of command.

(3) Employees Appearing Before the Board

- (a) Employees and their unit representative shall have the right to appear before the department Disciplinary Review Board when disciplinary matters involving the employee are brought before the board.
- (b) The purpose of such an appearance is to give employees an opportunity to respond to any sustained assertions made against them.
- (c) Employees may submit relevant written material in support of their position.
- (d) Any appearance before the board during employees' regular work shift shall be counted as time worked.
- (e) Employees are not eligible for overtime pay when appearing before the board during other than regular work shift hours.

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9. A. (4) Meeting With Supervisors Prior to the Board

- (a) Employees may meet with their immediate supervisor and second-level supervisor or the bureau/precinct commander/administrator to discuss the matter being reviewed by the board.
 - Employees may be accompanied by a unit representative.
- (b) If the immediate supervisor conducted the investigation, employees may meet with the next supervisor in their chain of command
 - Such a request shall be made in writing to the immediate supervisor.
 - A unit representative may accompany the employee to the meeting.

(5) Unit Representative

- (a) Employees and their unit representative may be present in the board hearing room to passively observe all presentations made to the board and to be present for all responses made to questions by board members.
- (b) If the employee desires, unit representatives are permitted to present information on the employee's behalf.
- (c) All non-board members will be excluded from the boardroom during deliberations.

B. Executive Review Board

(1) Incidents for Review - The Executive Review Board will review the following types of incidents:

- (a) All use-of-force incidents concerning employees responsible for a Performance Achievement Plan
- (b) All disciplinary matters involving employees responsible for a Performance Achievement Plan referred by the executive staff that may lead to demotion, suspension, or dismissal

(2) Incidents That May Bypass the Executive Review Board

- (a) When such an employee is involved in a serious violation of the law or rules and regulations of the department to the extent that the violator could be immediately dismissed from employment, the affected division commander may immediately and directly refer the matter to the Police Chief for action.
- (b) Such a referral will bypass the Executive Review Board.

(3) Employees Appearing Before the Board

(a) Disciplinary Matters

- The involved employee **will** appear before the Executive Review Board when disciplinary matters brought before the board may lead to demotion, suspension, or dismissal.
- The purpose of such appearance is to give the involved employee the opportunity to respond to any of the assertions made in the disciplinary investigation.

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9. B. (3) (b) Use-of-Force Incidents

- The involved employee will appear before the Executive Review Board when a use-of-force incident is reviewed.
- The purpose of such an appearance is to give the involved employee the opportunity to relate the circumstances and decision process in the use-of-force incident.

C. Reserve Disciplinary Review Board

(1) Incidents That May Bypass the Reserve Disciplinary Review Board

- (a) When a reserve officer is involved in a serious violation of the law or the rules and regulations of the department to the extent that the violator could be immediately dismissed from employment, a supervisor may immediately and directly refer the matter to the Police Chief or designee for action, utilizing the chain of command.
- (b) Such a referral will bypass the Reserve Disciplinary Review Board.

(2) Employees Appearing Before the Board

- (a) The involved reserve officer has the right to appear before the department Reserve Disciplinary Review Board when the disciplinary matters brought before the board may lead to demotion, a reduction in working status, or dismissal.

- The purpose of such appearance is to give the reserve officer an opportunity to respond to any sustained assertions made against the reserve officer.
- The reserve officer may submit relevant written matter in support of the reserve officer's position.
- Any appearance before the board during the reserve officer's regular work shift shall be counted as time worked.
- Reserve officers are not eligible for overtime pay when appearing before the board during other than regular work shift hours.
- Nothing in this policy shall grant a reserve officer access to the City of Phoenix Civil Service Board.

(b) Meeting with Supervisors Prior to the Board

- The reserve officer may meet with the immediate sworn supervisor, along with the second-level supervisor or the reserve officer's bureau/precinct commander, to discuss the matter being reviewed by the board.
 - The sworn supervisor conducting the investigation may also allow the assigned reserve supervisor to attend.
 - If the immediate supervisor conducted the investigation, reserve officers may meet with the next supervisor in their chain of command.
- * Such a request shall be made in writing to the reserve officer's immediate sworn supervisor.
 - * Reserve officers do not have access to Phoenix Law Enforcement Association (PLEA) representation.

9. D. Use of Force Review Board

(1) Incidents for Review

- (a) The Police Chief may direct the review by the Use-of-Force Review Board of any use-of-force incident involving an employee or agent of the department regardless of the specific circumstances.
- (b) The Use-of-Force Review Board Chair will review all Class I, II and IV incidents before the board convenes to determine the necessity for a Board review of the incident.
- If the chair determines a review is necessary, the review procedure will be used.
 - If the chair determines a Use-of-Force Review Board is not necessary, a memo with recommendations will be forwarded to the chief for approval.
 - The employee's chain of command will be notified of the results and appropriate action will be taken.
- (c) Incidents for Review: The board is specifically empowered to conduct reviews of the following employee-involved use-of-force incidents:

Class I	Any unintentional discharge of a weapon without injury, which includes but is not limited to, firearms training, practice, or general handling of the weapon.
Class II	Any intentional shooting or attempted shooting of an object or animal, whether or not such object or animal is actually struck .
Class III	Any intentional or unintentional incident in which any of the following conditions occurred: <ul style="list-style-type: none"> • Any person is injured or killed by a Phoenix Police Employee's firearm discharge. • Any time an attempt is made to injure a person by discharging a firearm. • Any serious injury inflicted upon a person by a PPD employee by means other than a firearm (excludes vehVCUlar accidents).
Class IV	Any intentional or unintentional discharge of a stunbag shotgun, regardless if it strikes a person or object or not.

(2) Employees Appearing Before the Board

- (a) Department employees shall be subject to call before the Use-of-Force Review Board.
- (b) The employee/s involved in the use-of-force incident **will be** required to appear before the board.
- The purpose of such an appearance will be to give the involved employee/s the opportunity to relate the circumstances and decision process in the use-of-force incident.
 - The employee's immediate supervisor **will** accompany the employee to the review board.
- (c) Unit Representation - Employees are allowed to be accompanied to the Use-of-Force Review Board by a unit representative, however, the representative will be a passive observer during the review.

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9. D. (3) Use-of-Force Review Board Documentation - All documentation, including Use of Force Review Board recommendations, will be forwarded to the Police Chief for review.

(4) Out-of-Policy Use-of-Force Incidents

(a) All use-of force incidents found to be out of policy by the Use-of-Force Review Board will be referred directly to the Disciplinary Review Board.

(b) A memorandum will be sent to the affected employee's bureau/precinct commander/administrator to request:

- The employee's five year discipline and commendation record
- The employee's Employee Performance Appraisal Reports

(c) These items will be sent to the DRB/UFB coordinator in the Police Chief's office within five working days for inclusion in the DRB package.

10. DRIVING ANALYSIS COMMITTEE (DAC)

A. Committee Meetings

- (1) The time and location of the meetings will be announced by the chairperson.
- (2) The presence of any five members constitutes a quorum for doing business.
- (3) The chairperson may designate one of the other commanders from the committee to serve as chairperson in his/her absence.
- (4) The DAC will review department-involved traffic accidents, pursuits, and other allegations of improper employee driving.

B. DAC Pursuit Review Process

- (1) The DAC will review and deliberate over each pursuit packet to determine:
 - Whether or not the pursuit was within departmental policy
 - Evaluate the need for policy changes
 - Consider training needs
- (2) The DAC will refer its findings to the employee's bureau/precinct commander/administrator for appropriate action.
- (3) The DAC will forward a copy of its findings to the employee's division commander through the Patrol Administration Bureau.

C. DAC Accident or Driving Incident Review Process

- (1) Upon receipt of the accident or driving incident packet by the DAC chairperson or designee, it will be logged in and then forwarded to the Vehicular Crimes Unit (VCU) supervisor for classification:
 - For Review
 - Not for Committee Review

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10. C. (2) After review by the VCU supervisor, the reports, except those involving serious injury or death and possible felony prosecution of the employee will be returned to the DAC chairperson or designee and the classification will be added to the log.
- (a) The chairperson will send those reports classified as "Not for Committee Review" to the employees bureau/precinct commander/administrator.
- (b) Reports classified as "For Review" that do not involve possible felony prosecution of the police employee will be reviewed by the DAC.
- The committee will deliberate as to the extent of the employee's responsibility
 - The committee will report its recommendations to the employee's division commander.
- (c) Reports involving possible felony prosecution of the police employee will be forwarded by the VCU supervisor to the Police Chief via the DAC Chairperson.
- The Police Chief will determine whether or not to forward the report to the County Attorney's Office.
 - After the report has been reviewed by the Police Chief and/or the County Attorney, it will be returned to the DAC for review.
- (3) The committee's recommendation for corrective action may consist of one or more of the following:
- Training needs
 - Disciplinary action
 - In the case of traffic accidents, the issuance of an Arizona Traffic Ticket and Complaint/s (ATTC) is an additional option.
 - Decide that no corrective action is necessary
- (4) Factors for Consideration by the DAC
- (a) Employee was involved in police business that required prompt action, for example:
- A pursuit
 - Response to a call that justifies a rapid response
 - An on-view situation requiring immediate attention
- (b) Employee was distracted by activities occurring in his/her presence through the normal course of duties,
- These distractions **do not** include use of the Mobile Data Terminal (MDT)
- (c) Both of these circumstances require that no serious or flagrant violation of law or departmental policy occurred.
- (5) The DAC Recommendation to Issue a Citation
- (a) Employees involved in accidents who have committed a violation that caused the accident (absent mitigating circumstances) should normally be cited for the violation.

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10. C. (5) (b) After review and endorsement of the recommendation to issue the citation by the employee's division commander, the employee's bureau/precinct commander/administrator will direct a supervisor within the bureau/precinct to issue an ATTC to the employee.
- (c) If this is not possible, the commander/administrator may request the citation be issued by the VCU.
- (d) The committee may determine that mitigating circumstances do exist and that the issuance of an ATTC is not appropriate.
- (6) The DAC may recommend discipline and/or training which may be in conjunction with the issuance of ATTCs.
- (a) In at-fault police equipment accidents, the minimum level of disciplinary action will normally be a written reprimand.
- Mitigating circumstances may exist which dictate a lesser form of discipline
 - The involved division commander shall approve action taken contrary to the recommendation of the DAC.
- (b) Recommendations for discipline in excess of a written reprimand will be forwarded by memorandum to the affected employee's division commander or designee.
- (c) After review, the division commander will forward the recommendation, along with comments, to the employee's bureau/precinct commander/administrator.
- (d) A copy of the final disposition and any discipline taken in all police vehicle accidents and other investigated driving incidents will be forwarded to the DAC, which will file and maintain the records in the Patrol Operations Bureau.
- (e) Recommendations for training, when approved by the affected employee's division commander or designee, will be forwarded to the driver-training supervisor.
- The driver-training supervisor will coordinate training with the affected employees bureau/precinct commander/administrator
 - The driver training supervisor will ensure that a permanent record of all remedial/refresher driver training received by an employee is maintained.
- (7) If the DAC sends a case to the Disciplinary Review Board for review, the employee, upon request, will receive a copy of the facts supporting the DAC's position.
- (8) As an alternative to discipline in at-fault or avoidable/preventable City-equipment accidents, the division commander may allow the employee the option of reimbursing the City for a loss caused by the employee's negligence.
- (a) This option only applies to losses of up to \$1,000.
- (b) If the loss incurred by the City is more than \$1,000, the claim will be processed through normal channels.
- (c) If the employee opts to reimburse the City, documentation of the incident will not be placed in the employee's department file; a notation will be made in the supervisory notes regarding that employee.

10. C. (9) Accident Review Administrative Documentation:

(a) The DAC chairperson or designee is responsible for:

- Forwarding a copy of the Accident Log, on a monthly basis, to the Research and Analysis Detail in the Planning and Research Bureau
- Collecting data from accident reports that were reviewed by the committee

(b) The DAC chairperson or designee will collect and store the following data:

- Employee's name and serial number
- Employee's assignment
- Date of accident
- Time of accident
- Incident number
- Cause of accident
- Was the accident preventable
- Whether or not officer was at fault

(10) Driving Incident Review Administrative Documentation:

(a) The Incident Review Unit is responsible for:

- Analyzing data from driving incidents that were reviewed by the committee
- Preparing reports on the trend of driving incidents
- Recommending changes to employee driving training

D. File Retention - The following filing procedures will be used by bureau/precinct personnel upon receiving notification from the DAC:

Not at Fault Accident	<ul style="list-style-type: none"> • File findings memorandum in the employee's division file
At Fault Accidents	<ul style="list-style-type: none"> • File only the board's memorandum of findings, a copy of the notice of reprimand or written reprimand, documentation of supervisory counseling in employee's division file • Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file. • Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> * Original investigation * The DAC memorandum of findings * Memorandum reference action taken regarding police equipment accident or pursuit
Pursuit Incidents In Policy	<ul style="list-style-type: none"> • File findings memorandum in the employee's division file

10. D. File Retention: (Continued)

Pursuit Incidents Out of Policy	<ul style="list-style-type: none"> • Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file. • Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> * Original investigation * The DAC memorandum of findings * Memorandum reference action taken regarding police equipment accident or pursuit
Driving Incidents In Policy	<ul style="list-style-type: none"> • File findings memorandum in the employee's division file
Driving Incidents Out of Policy	<ul style="list-style-type: none"> • File only the board's memorandum of findings, a copy of the suspension notice, or written reprimand, documentation of supervisory counseling in employee's division file • Document any remedial training given in the employee's supervisory notes. • Forward original written reprimand and backup material to the Fiscal Management Bureau records center for the employee's department file. • Forward copies of the following to the Patrol Operations Bureau where it will be retained for five years: <ul style="list-style-type: none"> * Original investigation * The DAC memorandum of findings * Memorandum reference action taken regarding driving incident

11. **CIVIL SERVICE BOARDS**

A. When the Civil Service Board orders that a suspension, demotion, or dismissal must be **overturned**, the original discipline notice and **all** copies will be removed from **all** files by the Fiscal Management Bureau and sent to the City's Personnel Director.

- (1) The Personnel Director will retain all overturned documentation in a separate file.
- (2) The overturned discipline will not be used in any future disciplinary actions or any performance evaluations.

B. When the Civil Service Board orders that a suspension, demotion, or dismissal must be **modified**, the original discipline notice and **all** copies will be removed from **all** files by the Fiscal Management Bureau and sent to the City's Personnel Director.

- (1) An amended discipline notice will be returned by the Personnel Director for retention in the employee's file/s.
- (2) Only the modified discipline can be used in any future disciplinary actions or any performance evaluations.

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12. DISCIPLINE MATRIX COMMITTEE (DMC)

A. Committee Meetings

- (1) Will meet annually in July and as needed during the year, the location of the meetings will be announced by the chairperson.
- (2) The presence of any five members constitutes a quorum for doing business.
- (3) The chairperson may designate one of the other commanders from the committee to serve as chairperson in his/her absence.

TAMPA POLICE DEPARTMENT USE OF FORCE FORM



Name: _____		DOB: _____	Race: _____	Sex: _____
Location of Occurrence: _____		Reporting Officer: _____		
Payroll# _____	Date of Occurrence: _____	Time of Occurrence: _____	Grid: _____	
Name of Supervisor Notified: _____		Responded: (Y or N) _____		
Photos Taken: (Y or N) _____	Location of Photos _____		Taken by: _____	

CHARGES: _____

[1] Nature of Contact:
(Circle 1)

- A. Arrest
- B. Street Check/ Field Interview
- C. Attempt to Control
- E. Baker Act
- F. Traffic Arrest
- G. Transporting Officer
- D. Other: _____

[2] Reason:
(Circle 1)

- A. Necessary to Defend Another
- B. Necessary to Defend Reporting Officer
- C. Necessary to Effect Arrest
- D. To Prevent a Violent Felony
- E. To Restrain for Subjects Safety
- F. Other: _____

[3] Number of Officers/ Subjects:

- A. Officers _____
- B. Subjects _____

[4] Subject's Conduct:
(Circle 1-3)

- A. Attacked Another
- B. Attacked Officer
- C. Compliance
- D. Refused to Comply with Verbal –
Commands
- E. Other: _____

[5] Subject's Resistance:
(Circle 1-3)

- A. Presence to Attendance of Suspicious Activity
- B. Verbal Resistance
- C. Passive Resistance(Does Not Physically Cooperate)
- D. Active Resistance(Physically Attempts to Defeat Control)
- E. Aggressive Resistance(Physically Attempts to Injure Officer)
- F. Aggravated Resistance(Attempts to Cause Great Bodily Danger)
- G. Other: _____

[6] Force Used by Officer:
(Circle what Applies)

- A. Handcuffs
- B. Leg Restraints
- 1. Threat of Chemical Agent
- 2. Threat of Impact Weapon
- C. Pressure Points
- D. Transporter (Escort, Bent Wrist)
- E. Countermeasures (Punches, Kicks, Knees, Elbows)
- F. Total Appendage Restraints Position (TARP)
- G. Use of Chemical Agent
- H. Use of Impact Weapon
- I. Firearms Pointed at Suspects
- J. Firearms Fired at Suspect
- K. Bitten by Police Canine

[7] Weapons Used by Officer:
(Circle what Applies)

- A. ASP
- B. C/S
- C. Elbow
- D. Fist
- E. Flashlight
- F. Flexible Baton
- G. Hands
- H. Kick
- I. Knee
- J. O/C
- K. Pistol
- L. Radio
- M. Rifle
- N. Shotgun
- O. Other _____

Report/Event # _____

[8] Number of Shots Fired:

- A. Suspect: _____
- B. Officer: _____

EFFECTS of FORCE USED ON SUBJECTS:

[9] Effects on Subject:

(Circle what Applies)

- A. No visible Injury
- B. No Complaint of Injury
- C. Complaint of Injury
- D. No Medical Attention Required
- E. Medical attention Required
- F. Minor Visible Injury(Redness, Swelling, Abrasion)
- G. Injury requiring Outpatient Treatment(Stitches, Broken Bone, x-rays)
- H. Injury Requiring Hospital Admission
- I. Fatality

[10] Unconscious: (Y or N) _____

[11] Treatment:

(Circle 1)

- A. No treatment Necessary
- B. Refused Treatment
- C. Treated at Scene
- D. Chemical Agent Decontamination
- E. Treated & Released
- F. Admitted to Hospital

[12] Transported to:

(Circle 1)

- A. Detox
- B. Hospital
- C. Jail
- D. Juvenile Assessment Center (JAC)
- E. Released to Parent/ Guardian
- F. Other Agency
- G. Crisis Center
- H. Other: _____

REMARKS:

Injury Description of Suspect: _____

Injury Description of Officer: _____

Supervisor Signature: _____

Date: _____