

USE OF FORCE

REPORTING USE OF FORCE

Policy Statement: Law enforcement officers of this department by necessity are given the authority to use physical force in carrying out their duties when it becomes necessary. Officers may use only that level of physical force necessary in the performance of their duties.

Summary of Changes: New format.

Definitions:

Subject Control Supplement: is the departmental form (as attached) which will be completed in addition to the incident report or any other reports required when the use of force results in injury or the complaint of injury to any person, or the use of force is greater than *Directional Control*.

Active Countermeasures: are devices and/or weapons, such as the PR24, ASP baton, electrical subject control device, OC spray, or a police canine. These are to be used to impede a subject's actions when other force fails or is deemed inappropriate.

Directional Control: is defined as the minimum physical force necessary to direct or restrain the movement of another by means of holding firmly with one's hands or arms. *Directional Control* that does not result in an injury or complaint of injury is specifically **excluded** from this policy. The mere placing of handcuffs on a prisoner will **not** require a subject control supplement, unless the handcuffs become an appliance to exert pressure to further control the prisoner.

Serious Physical Injury: means any physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted impairment of the function of any body member or organ. (5-1-102 Arkansas Code Annotated)

Procedure:

1 General

The primary officer involved in **any** use of force pursuant to their duties (on or off duty) will notify his supervisor of the incident as soon as possible. If the officer's supervisor is not on duty, the officer will notify an on-duty supervisor as soon as possible.

1.1 An incident report detailing the use of force will be completed by the primary officer involved in the incident. The incident report will specifically cover the details of the incident, such as the threat assessment, as well as any active countermeasures used and/or actions taken by the officer. [CALEA 1.3.6d]

The incident report should also include the effectiveness or ineffectiveness of any active countermeasure used or action taken.

Non-sworn members are not authorized to use physical force. However, they do have the right to defend themselves. Any non-sworn member involved in the use of force while on duty shall notify a supervisor who will ensure that an incident report is completed. [CALEA 1.3.6d]

1.2 A *Subject Control Supplement* form will be completed in addition to the incident report when an officer encounters resistance that requires the officer to use force or physically control a subject, and:

1.2.1 The use of **any** force results in death, injury or the complaint of injury to any person; [CALEA 1.3.6b]

1.2.2 The use of force exceeds *Directional Control*, even if it does not cause injury or complaint of injury.

1.2.3 The Shoulder Pin (Lateral Vascular Neck Restraint) is employed. Only those officers trained and approved in its use will be authorized to utilize it.

1.2.4 Throwing a subject to ground does not constitute *Directional Control*. However, merely guiding a subject to the ground or vehicle may constitute *Directional Control* provided the officer maintains control of the subject and does not use the impact with the ground or vehicle as a means of unnecessary force.

1.2.5 The primary officer will be responsible for completing the subject control supplement.

1.2.6 All other members involved or witnessing the incident will complete a supplement to the incident report detailing their actions, use of force taken, and/or any observations made during the incident.

1.3 The investigating supervisor will be responsible for obtaining written statements from non-members witnessing the incident. If a witness is not able or willing to make a written statement, the supervisor will reduce the statement to writing and note the reason the witness did not make a written statement.

1.4 The investigating supervisor will be responsible for obtaining photographs of injuries or lack of injuries to all persons involved in the control incident. **A photograph showing a lack of injury may be as important as one showing an injury.**

- 1.4.1 The investigating supervisor will be responsible for insuring that medical treatment is available to any person who is injured or complains of injuries during a use of force incident.
- 1.5 Photographs will be labeled or identified with the following information:
 - 1.5.1 Name of person being photographed;
 - 1.5.2 Description of area photographed (bruise to right cheek, cut on left arm, etc.);
 - 1.5.3 Place where photograph was taken;
 - 1.5.4 Report number;
 - 1.5.5 Date and time photograph was taken; and
 - 1.5.6 First initial and last name of the person taking the photograph.

2 File Format

Files regarding the control incident will be prepared as follows:

- 2.1 All documentation will be placed in a file folder and secured to the top of the folder with a two hole metal binder.
- 2.2 Any photographs or audio or video tapes will be placed in a manila envelope and attached to the inside front file cover.
- 2.3 The investigating supervisor will be responsible for insuring that the necessary documentation is obtained and properly placed in the file before routing it through the chain of command.
- 2.4 The order of included documentation will be:
 - 2.4.1 Subject Control Supplement;
 - 2.4.2 Incident Report;
 - 2.4.3 Supplement Reports from police personnel;
 - 2.4.4 Statements from witnesses; and
 - 2.4.5 Copies of any arrest report.

3 Review

All subject control incidents will be reviewed for compliance with Departmental policy at each level of the officer's chain of command. [CALEA 1.3.7]

- 3.1 The officer's immediate supervisor will review the control incident file for completeness and compliance with Departmental policy, sign the subject control supplement and then forward it through the chain of command.
 - 3.1.1 If the subject control incident involves **serious** physical injury or requires an investigative effort beyond the scope of the reporting supervisor, the incident file shall be forwarded to the Chief of Police for investigation by the Professional Standards Unit.
- 3.2 The control file will be reviewed at each level of the officer's chain of command. A minimum of two supervisors will review the incident for compliance with departmental policy and sign the subject control supplement.
 - 3.2.1 If at any level of the review it is determined that the control incident is **not** within policy, or if the force used resulted in injury requiring medical attention, the Division Commander will forward the completed file to the office of the Chief of Police for review.
- 3.3 The Division Commander will review the recommendations for concurrence and if needed make any additions or changes to them. The results of the review and recommendations will be forwarded to the Chief of Police.
 - 3.3.1 If the subject control incident is in policy and does not involve injury or complaint of injury, the file will be forwarded to the Professional Standards Unit for administrative purposes.
- 3.4 If the officer is involved in three or more control incidents in a six month period, the Professional Standards Unit will advise the member's Division Commander of the situation and make any recommendations. The commander or his designee will review the member's history involving the use of force. The purpose of this review is to determine:
 - 3.4.1 If training methods or policies and/or procedures need to be changed or developed; or
 - 3.4.2 The involved officer requires remedial training or other corrective actions; or
 - 3.4.3 There is a need for additional in-service training.
- 3.5 The **original** Subject Control File will be forwarded to the Professional Standards Unit where it will be retained.
- 3.6 One **copy** of the Subject Control File will be forwarded to the Training Unit by the Professional Standards Unit.
- 3.7 The Training Unit will review the file for any training issues that need to be addressed and will notify the officer's Division Commander if any are noted.