

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner using that amount of force that is reasonable and necessary based on the totality of the circumstances.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Lawful Purpose - A use of force must be for a lawful purpose. Officers may use force in the performance of their duties to:

- Effect a lawful arrest, detention, or search;
- Overcome resistance or prevent escape
- Prevent the commission of a crime;
- Defend themselves or others;
- Gain compliance with a lawful order; or
- Prevent a person from injuring himself/herself - however, an officer is prohibited from using lethal force against a person who presents only a danger and does not pose an imminent threat of death or serious bodily injury to the officer or another person.

De-Escalation - De-escalation is taking action and/or communicating verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least force necessary. De-escalation is also an effort to reduce or end the use of force after a threat has

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diminished. When reasonable, officers will gather information about the incident, assess the risk, assemble resources, attempt to slow momentum, communicate with the subject, and coordinate a response. When practical, and taking into account officer and citizen safety, officers should use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. When feasible, an officer may withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options.

Objectively Reasonable - Officers must make split-second decisions regarding the use of force in circumstances that are tense, uncertain, and rapidly evolving. Reasonableness of force is based on the totality of circumstances known by the officer at the time force was used. This is an objective standard to be judged from the perspective of a reasonable officer rather than with the benefit of hindsight, and without regard to underlying intent. There are many components that factor into an objectively reasonable decision to use force, including:

- The purpose of the force (Was it lawful?);
- Efforts to de-escalate the situation;
- The proportionality of the force being used to the force encountered;
- The nature and seriousness of the threat being encountered;
- The threat and/or actions of the suspect directed toward the officer or another person;
- If the officer's actions unnecessarily contributed to the need to use force.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Proportionality - Officers shall balance the totality of the circumstances, known to or perceived by the officer at the time, with the severity of the offense committed and the subject's level of resistance. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in serious physical injury or death, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it and overcome the resistance.

Provocation - Provocation includes officer conduct that did create or contribute to a need to use force that might not otherwise be necessary. This can include illegal searches, detentions, and entries to residences. It can also include unprofessional exchanges or other acts done intentionally or recklessly that provoke the subject or contributes to the need for force.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The level of force/control used is predicated on the circumstances of the contact and the level of resistance presented by the individual(s). Officers will only use the amount of force/control reasonably necessary to overcome this resistance, protect property and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives. Deadly force should not be used unless an officer reasonably believes it is necessary to protect the officer or another person from imminent danger of death or serious physical injury.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that is reasonable and necessary based on the suspect's actions and given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that is reasonable and necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly

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unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 LEVELS OF RESISTANCE

The levels of resistance by a subject include:

- **Psychological Intimidation:** Non-verbal cues indicating the subject's state of alertness, agitation, and physical readiness to resist.
- **Verbal Non-Compliance:** Verbal responses indicating the subject's unwillingness to comply with direction. A person has a constitutionally protected right to express verbal protest, and speech directed at an officer is generally protected by the First Amendment. However, threats (or "fighting words") are not protected speech.
- **Passive Resistance:** Physical non-compliance that does not directly prevent the officer's attempt at control.
- **Defensive Resistance:** Physical actions that attempt to prevent the officer's control, but make no direct attempt to harm the officer. This may include indicators such as a fighting stance or a balled fist.
- **Active Aggression:** Behavior that is a physical assault on the officer where the subject prepares to strike, strikes, or acts in a manner that may result in injury to the officer.
- **Deadly Force:** Assaultive acts of aggression directed towards an officer or another that are likely to cause serious bodily injury or death.

300.3.2 LEVELS OF FORCE

The levels of force employed by members are:

- **Officer Presence:** Authority is established by the officer's presence in uniform, by verbal identification as a peace officer, or by clear display of department badge or identification.
- **Verbal Direction:** Communication directed at a subject to control their actions. Officers will, when reasonably possible, attempt to use verbal communication skills to control subjects before resorting to physical control methods.
- **Empty Hand Control:** Force techniques using the officer's body without the aid of weapons or equipment. Empty hand control is divided into two (2) categories:
 - "Soft" control-physical interaction (except strikes) meant to separate, guide, and/or control, and that does not cause injury greater than temporary pain or redness.
 - "Hard" control-physical interaction (including strikes) meant to separate, guide, and/or control, or which are likely to result in injuries greater than temporary pain or redness.

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- Intermediate Weapons: Weapons that provide a method of controlling subjects when deadly force is not justified and when empty hand control techniques are either not sufficient or not tactically sound. The following are types of intermediate weapons:
 - Oleoresin Capsicum (OC) spray
 - Impact Weapon – Any object used to strike a subject in a manner that is reasonably likely to cause injury.
 - Conducted Energy Device (CED) - Any less lethal conducted energy weapon, e.g., TASER.
 - Less Lethal Munitions – Kinetic impact or chemical-agent munitions designed to disrupt a subject's threatening action with minimal risk of serious injury or death.
 - Kinetic energy impact rounds include Department approved .40 mm kinetic device and foam rounds. Generally, the use of kinetic energy impact rounds shall only be used to counter active aggression or greater. However, kinetic impact rounds may be used in instances where a subject is causing serious or life threatening injury to the officer or is immediately threatening to cause such injury, and has the means to do so.
- Canines: Canines properly employed are considered a less-lethal tactic. All use of canines will be in accordance with the "Canines" policy, number 309.
- Deadly Force: Force that is likely to cause serious injury or death. Use of a firearm is not the only means of employing deadly force. It may become necessary for officers to protect themselves or others with means other than a firearm.

300.3.3 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

300.3.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.

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- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.5 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

300.3.7 USE OF FORCE PROHIBITED

An officer may not restrain a person by the application of a knee applying pressure to the neck or throat of a person (Utah Code 53-13-115).

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Unless deadly force is justified, officers shall not apply pressure to a person's neck that is sufficient to make breathing difficult or impossible, including, but not limited to, any pressure to the throat or windpipe that may prevent or hinder breathing or reduce intake of air (Choke holds).

An officer shall not **use** physical force:

- To punish or retaliate;
- Against individuals who only confront them verbally unless the vocalization significantly impedes a legitimate law enforcement function and/or creates an immediate safety concern (e.g. incitement to violence or destruction of property, threats to officers, or others); or
- On Handcuffed or otherwise restrained subjects, except in reasonable and necessary circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. In such circumstances, officers shall articulate:
 - Why force was necessary, and
 - Why no reasonably effective alternative to the use of force appeared to exist.

300.3.8 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk (Utah Code 76-2-404):

- (a) An officer may use deadly force to protect him/herself or an individual other than the suspect from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to an individual other than the suspect if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the suspect has a weapon or is attempting

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to access one and intends to use it against the officer or an individual other than the suspect. An imminent danger may also exist if the suspect is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 POINTING FIREARMS

Officers shall not point a firearm at an individual unless it is reasonable to believe that it is necessary to protect against a potential use of physical force or deadly physical force. Unholstering or displaying a firearm, including at a low-ready position without pointing it at a person, does not require a use of force report. Firearms shall be secured or holstered as soon as possible after the perceived threat has ended.

300.4.2 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, this Department requires the completion of additional report forms, as specified below and in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

1. Officers shall make a verbal report as soon as reasonably practical to their supervisors following any use of force and file a use-of-force report in the following manner.

a. An officer's mere presence, presence of a canine and/or verbal persuasion may be documented at the discretion of the officer.

b. The use of Empty Hand Control techniques up through the use of Deadly Force will be properly documented in the police report and upon the appropriate use-of-force forms. ("Soft" control-physical interaction need not be documented on a use-of-force form, if no injury or complaint of injury exists.)

2. Each officer who uses force in an incident shall submit a separate written use-of-force report.

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3. Any officer who witnesses a use of force shall advise a supervisor and shall submit a use-of-force report.
4. All use-of-force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.

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300.5.1 USE-OF-FORCE FORMS

	CEDAR CITY POLICE DEPARTMENT Use of Force Report		
Cedar City Case Number:	Date:	Time:	hrs
Subject's Name:			
Address:	Booked: Yes		
Charges:			
Officer's Name:	OIC:		
Date of Incident:	Time of Incident:	hrs	
Location of Incident:			
Officer(s) Involved:			
Nature of Call/Incident:			
Summary of Involved Officer(s) Actions:			
Type of Force Used (check all that apply):			
<input type="checkbox"/> OC Spray	<input type="checkbox"/> Electronic Restraint Device (Taser)		
<input type="checkbox"/> Soft Empty Hand (twist lock, etc)	<input type="checkbox"/> Hard Empty Hand (strikes, kicks, etc)		
<input type="checkbox"/> Intermediate Weapon (40mm, ASP, K9)	<input type="checkbox"/> Firearm (Glock 22, Shotgun, AR-15)		
<u>Injuries/Treatment</u>			
Complaint of Injury: No	Medical Exam Requested: No	Exam Declined: No	
Nature of Injuries and Medical Treatment Required:			
Transported By: Police Vehicle	Medical Facility:	Attending Doctor:	
Admitted to Hospital for Injuries: No			
Suspect Under the Influence of: Not Under the Influence			
Officer or Others Injured: Yes			
Parties Injured:			
Report Completed By: (signature) _____			
Supervisor Review: (signature) _____			
Chief of Police Review: (signature) _____			
Disposition: _____			
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CEDAR CITY POLICE DEPARTMENT CONDUCTED ENERGY DEVICE (CED) (To Accompany Use-of-Force Report)

Cedar City Case Number: _____ *Date:* _____ *Time:* _____ *hrs*

Subject's Name: _____

Age: _____ *Sex:* Male *Race:* _____ *Height:* _____ *Build:* Medium

Was suspect wearing heavy clothes? No

Describe clothing: _____

How was the CED used? Dart/Probe Contact

CED Model #: X26

CED Serial #: _____

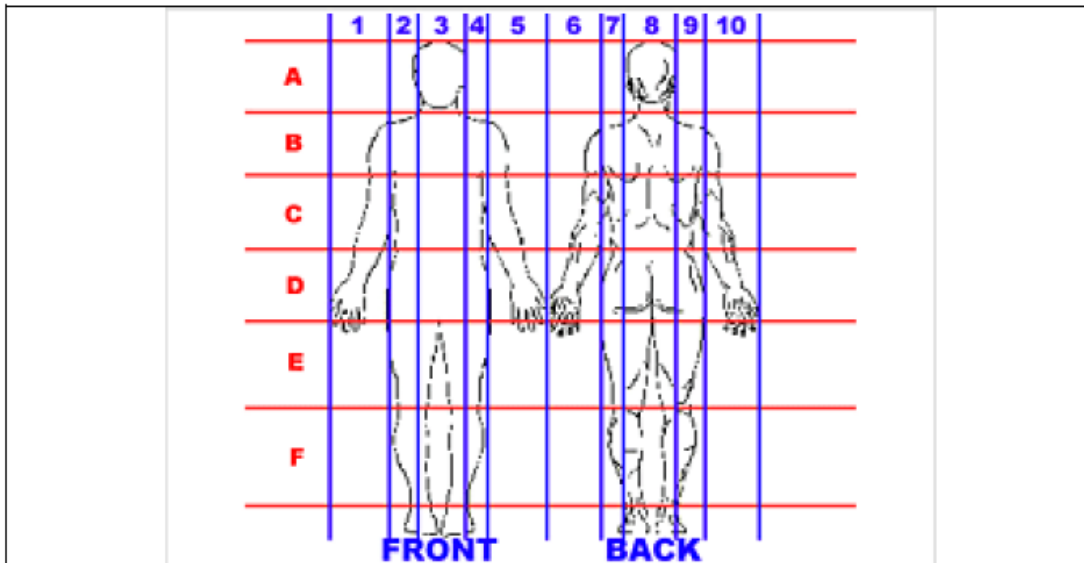
Target distance at time of dart launch: N/A ft *Were additional shots needed?* No

Did the darts penetrate the skin? No

Did the application cause injury? No

Was the subject treated for the injury? No

Description of Injury: _____



First Application:

Top Probe: A Miss

Bottom Probe: A Miss

Second Application:

Top Probe:

Bottom Probe:

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Did the device respond satisfactorily? No

Describe the subject's demeanor after the device was used/displayed:

Suspect was under the influence of: Alcohol

How was this determined?

Threats/Other Options

Describe the threat present:

Describe other means attempted to control the subject (if not used, explain):

Verbal Commands:

Authorized Control Holds (Soft Empty Hands):

Hard Empty Hands:

Intermediate Weapons (i.e. baton, flashlight, etc):

Were photographs taken? No

If not, explain:

Was a supervisor notified? Yes *Name:*

Officers Present:

Report Completed By: (signature) _____

Additional Information:

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CEDAR CITY POLICE DEPARTMENT INTERMEDIATE WEAPON (Impact Weapon, Flashlight, Canine, Less Lethal Munitions) USE REPORT (To Accompany Use-of-Force Report)

Cedar City Case Number: _____ *Date:* _____ *Time:* _____ *hrs*

Subject's Name: _____

Age: _____ *Sex:* Male *Race:* Caucasian *Height:* _____ *Build:* Heavy

Was suspect wearing heavy clothes? No

Describe clothing: _____

Intermediate Weapon used? _____

Subject's Conduct Prior to use of Intermediate Weapon: _____ *Value 1 through 10:*

10 = Physically attacking

5 = Physically resisting without violence (pulling away/fleeing)

1 = Not physically resisting but threatening or indicating physical resistance

Comments: _____

Effectiveness of Intermediate Weapon on Subject: _____ *Value 1 through 10:*

10 = Immediate cessation of aggression / physical resistance

5 = Some effect, but subject still displayed resistance / aggression

1 = No apparent effect

Comments: _____

Was the suspect arrested? Yes

Charges: _____

Was a supervisor notified? No *Name:* _____

Officers Present: _____

Did the Intermediate Weapon cause injury? No *Was the subject treated for the injury? No*

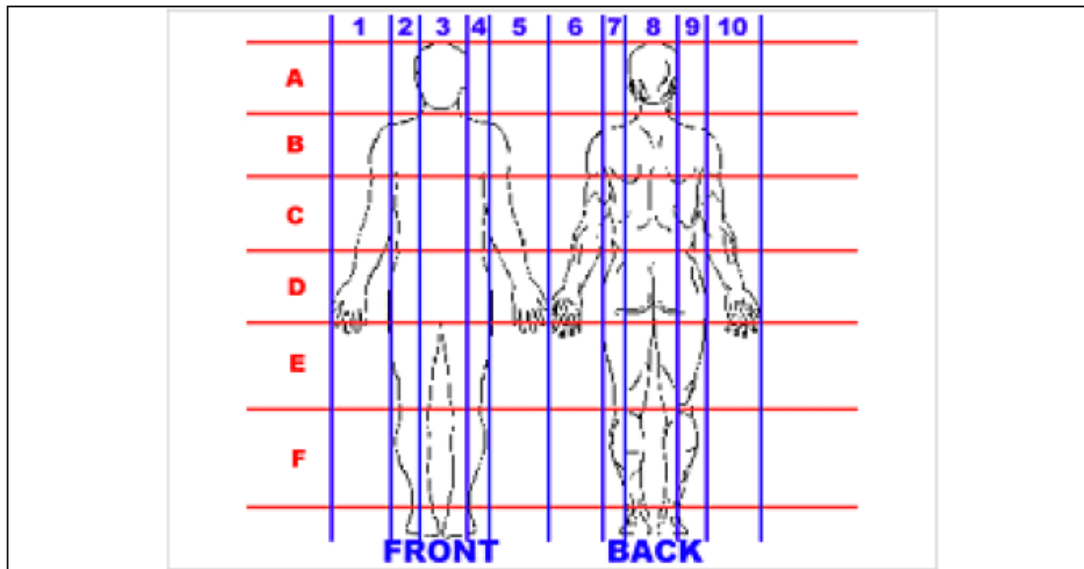
Location of Treatment: _____ *Doctors/Nurses providing Care:* _____

Description of Injury: _____

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Application:

40 mm: Contact

Were photographs taken? No

If not, explain:

Was a supervisor notified? No Name:

Report Completed By: (signature)

Additional Information:

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CEDAR CITY POLICE DEPARTMENT **Oleoresin Capsicum (OC) Aerosol** *(To Accompany Use-of-Force Report)*

Cedar City Case Number: _____ *Date:* _____ *Time:* _____ *hrs*

Subject's Name: _____

Age: _____ *Sex:* Male *Race:* Caucasian

Location of Incident: _____

OC Canister #: _____ *Discharge Date:* _____ *Discharge Time:* _____ *hrs*

Approximate Distance: _____ *ft* *Number of Bursts:* _____ *Number of Seconds:* _____

Purpose:

- To effect an arrest* *Accidental*
 To clear an area *Other:*

General Area of Use:

- Indoors* *Outdoors*
 Vehicle/Conveyance *Other:*

Subject's Conduct Prior to OC Deployment: _____ *Value 1 through 10:*

- 10 = Physically attacking*
5 = Physically resisting without violence (pulling away/fleeing)
1 = Not physically resisting but threatening or indicating physical resistance

Comments: _____

Subject's Physical Capabilities (if not deterred): _____ *Value 1 through 10:*

- 10 = Very capable of overpowering or seriously injuring others or myself*
5 = Probably could have been subdued, but not without probable injury
1 = Could have been subdued / repelled, but minor injuries probable

Comments: _____

Effectiveness of OC: _____ *Value 1 through 10:*

- 10 = Immediate cessation of aggression / physical resistance*
5 = Some effect, but subject still displayed resistance / aggression
1 = No apparent effect

Comments: _____

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Were others at the scene, including you, unintentionally contaminated? No

Explain:

Was the subject read the OC Administrative Warning? No

OC Form Completed? No

Medical/First Aid

Decontaminated / First Aid Actions Taken:

Did the Subject Complain of Injury After Decontamination? No

Additional Health Care Required/Requested? No

Location of Health Care:

How was the subject transported?: Ambulance

Doctors/Nurses providing Care:

Report Completed By: (signature) _____

Additional Information:

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300.5.2 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER® device or a conducted energy device, or OC spray.
- (f) Any application of a restraint device other than handcuffs, shackles, belly chains or leg restraints.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.3 REPORTING THE THREAT OF FORCE

When an officer points a firearm at an individual, the officer shall report the incident in accordance with Utah Code 53-13-116.

Reports shall be submitted within 48 hours of the incident and should include at a minimum (Utah Code 53-13-116):

- (a) A description of the incident.
- (b) The identification of the individuals involved in the incident.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital. Prior to booking, and in addition to any on-scene medical assistance, the member shall obtain a medical clearance from hospital staff. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

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- (g) Complete the appropriate Supervisor's use-of-force form.
- (h) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 DIVISION COMMANDER RESPONSIBILITY

The Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.