

401.00 USE OF FORCE

401.01 PURPOSE, POLICY, AND PHILOSOPHY

- A. **Purpose.** The purpose of this directive is to provide guidelines on the use of non-deadly and deadly force and procedures for reporting and investigating such uses. (Effective 06-01-93)
- B. **Policy Statement.** Although use of force is permitted by law under specified circumstances and a police employee is required to exercise force under certain circumstances, the unnecessary use of force is contrary to law. It places the representative government agency in a position of civil liability and the employee in jeopardy of civil and criminal liability. Under no circumstances will the force used (in any situation and specifically including against any individuals engaged in nonviolent civil rights demonstrations) be greater than necessary to achieve lawful objectives. Deadly force will not be used unless an employee reasonably believes it is necessary to protect the employee or another person from immediate danger of death or serious bodily injury. (Revised 06-04-04) (A 1.3.1; 1.3.2)

C. **Definitions.** (A 1.3.2)

Deadly force: force that is intended to cause death or serious bodily injury or that a reasonable and prudent person would consider likely to cause death or serious bodily injury. (Effective 12-31-87)

Immediate: instantaneous; not deferred by any interval of time. (Effective 06-01-93)

Immediately necessary: that which is required at the point in time of the use of force. (Effective 06-01-93)

Reasonable belief: facts or circumstances the employee knows, or should know, are such as to cause an ordinary and prudent peace officer to act or think in a similar way under similar circumstances. "Reasonableness" is subject to review and determination by the chain of command. (Revised 06-04-04)

Reckless: with respect to circumstances surrounding the employee's conduct or the result of the employee's conduct, when the employee is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary and prudent peace officer would exercise under all the circumstances as viewed from the employee's standpoint. (Revised 06-04-04)

- D. **Deadly Force Philosophy Statement.** The use of deadly force is probably the most serious act a police employee will ever perform. Use of deadly force is contrary to the reverence for human life exhibited by police employees who often risk their lives to save others. The consequences of the use of deadly force are the most far reaching for all parties involved, even when death does not result. The physical and mental well-being of police employees requires that they have a firm understanding of those circumstances in which they are authorized to use deadly force. (Revised 06-04-04)
- E. **Training.** It is imperative that a police employee act within the boundaries of law, professional ethics, good judgment, and accepted practices. An officer must be prepared by training, leadership, and direction to act wisely when using a firearm in the course of official activity. For these reasons, each commissioned employee must be given a copy of this directive and trained in the department's policy on use of force before being authorized to carry a firearm. (Revised 06-04-04) (A 1.3.12; 33.4.1)

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- F. **Administrative Sanctions Only.** This directive is for department use only and does not apply in any external criminal or civil proceeding. The department policy should not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to claims. Violations of this directive will only form the basis for department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting. (Effective 12-31-87)

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401.02 LIMITATIONS AND QUALIFICATIONS

(Title revised 11-01-97)

- A. **Circumstances to be Considered.** The amount and degree of force that may be used will depend on the surrounding circumstances. This includes but is not limited to: (Revised 12-31-87)
1. the nature of the offense;
 2. the behavior of the subject against whom force is to be used, i.e., verbal dialogue, physical resistive actions, aggressive acts. (Revised 09-15-88)
 3. physical condition; and
 4. the feasibility or availability of alternative actions.
- B. **Escalation.** Where the circumstances permit, it is an employee's responsibility to first exhaust every reasonable means of employing the minimum amount of force, including the police employee's physical presence and verbal skills, before escalating to a more severe application of force. Under normal circumstances, only the methods or instrumentalities listed below may be used to apply force. These methods are listed in ascending order from the least severe to the most extreme: (Revised 06-04-04) (A 1.2.7)
- Officer/employee **presence**: uniform, badge, patrol car, physical bearing; (Revised 06-04-04)
 - Verbal **direction**: verbal communication, negotiation skills; (Revised 06-04-04)
 - Passive **guidance/control**: hands-on escorting, picking up body weight, pushing-pulling gently; (Effective 06-01-93)
 - **Oleoresin-Capsicum** spray; (Effective 06-01-93)
 - **Electronic Control Device**; (Added 06-04-04) (Revised 01-27-10)
 - **Empty hand control**: soft (fingertip pressure applied to pressure points) or hard (striking motorpoints with hands/feet); (Re-numbered and Revised 06-01-93)
 - **Intermediate weapons** (Officer only): soft (wrist locks using impact weapon) or hard (striking motorpoints with impact weapon); (Revised 06-04-04)
 - **Vascular Neck Restraint** and, (Revised 06-04-04)
 - Approved **firearm** and ammunition (Officer only). (Revised 06-04-04)
- C. **Defensive Tactics Annual Qualification.** Each commissioned officer, including reserve officers, must qualify annually in the department-approved defensive tactics program. Detention Officers and other employees authorized in 401.03A.3. to use force in self-defense will be given annual defensive tactics training relating to the level of force they are authorized to use. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training with a certified defensive tactics instructor, after which a retest will be given. Failure of the retest may subject an employee or officer to termination of employment, a reserve officer to disqualification from the reserve program, and a volunteer to disqualification from serving in the volunteer assignment. (Revised 06-04-04)
- D. **Patrol Rifles (Carbines).** (Added 10-19-06) The Arlington Police Department authorizes the field deployment of patrol rifles. Patrol rifles must be zeroed to an individual, officers may only carry the weapon with which they have qualified, and the weapon may not be deployed by another unless exigent circumstances exist.
1. When not being carried on duty, department-issued patrol rifles will be secured and stored in the designated storage area at the officers patrol station. Patrol rifles will be stored with the (1) selector set to safe (2) bolt forward on an empty chamber (3) magazine removed (4) dust cover closed.

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2. Officers transporting authorized personally-owned patrol rifles to and from work will store the weapon in a protective case in the trunk or the most secure area on their vehicle.

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401.03 NON-DEADLY FORCE

(A 1.2.2)

A. Authorization. Non-deadly force may be used

1. when a police officer reasonably believes it is immediately necessary to take physical action to: (Revised 12-31-87)
 - a. preserve the peace, prevent commission of offenses, or prevent suicide or serious bodily injury;
 - b. make lawful arrest and/or search, overcome resistance to same, and/or prevent escape from custody;
 - c. defend the officer or another person against unlawful violence to person or property; or
 - d. prevent or interrupt an intrusion on or interference with lawful possession of property.
2. when a police officer or detention officer reasonably believes it is necessary to maintain the security of the Jail or the safety or security of other persons in the Jail; or (Revised 11-15-99)
3. when a PSA, Fleet Specialist, Victim Services employee or volunteer, Crime Scene technician, or Detention Officer reasonably believes it is necessary to defend themselves against unlawful violence directed against them while they are in performance of their duty. (Effective 11-15-99)

B. Instruments

1. **Oleoresin-Capsicum (OC) Device.** Personnel certified through annual department-approved training and authorized to use non-deadly force in A. above are permitted to use oleoresin-capsicum (OC) spray issued to them by the department as follows: (Revised 11-15-99) (A 1.2.2; 1.3.4; 1.3.10; 1.3.11)
 - a. Officers **may** use OC to stop or subdue an animal that is aggressive toward any person.
 - b. Officers **should** use OC against persons when an arrest must be made **and** the suspect has failed to comply with lesser methods of force **and** its use will avoid use of a more severe method of force.
 - c. Detention Officers **should** use OC against a person when an inmate presents a threat to the safety of Jail personnel or other inmates **and** that inmate has failed to comply with lesser methods of force **and** its use will avoid use of a more severe method of force.
 - d. Mere passive resistance (refusal to comply with verbal commands, going limp, stiffening of limbs without struggling or verbal arguments against being arrested) does not justify use of OC. (Effective 11-01-97)
 - e. Those authorized to use OC spray will carry the spray issued to them while on duty. Officers shall also carry their issued spray on approved off-duty jobs. On-duty plainclothes commissioned personnel are exempt from this regulation while acting in a covert capacity. (Effective 10-04-93)
1. **Electronic Control Devices (ECW).** (Revised 12-18-06) (Revised 01-27-10) Personnel certified through annual department-approved training, and authorized to use less-lethal force in A. above are permitted to use an approved ECW, issued by the department as follows (Added 06-04-04):

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- a. **Deployment philosophy.** The decision to use the ECW is dependant on the resistive actions of the suspect. Factors such as the critical distance between the officer and the threat may justify use of the ECW. The ECW is deployed as an additional police tool and is not intended to replace firearms, OC, or defensive tactics techniques. The ECW may be used to control dangerous or violent suspects when deadly force does not appear to be justified and/or necessary, or attempts to subdue the suspect by other means have been ineffective; or there is reasonable expectation that it will be too unsafe for officers to approach within contact range of the suspect. All uses of the ECW will be in accordance with General Order 401.03.
- 1) Only a department issued ECW approved by the Chief of Police will be used by Arlington Police officers. No changes, alterations, modifications, or substitutions will be made.
 - 2) The ECW shall only be issued to and used by personnel who have successfully completed the department's training, and certification program. The Assistant Chief, Field Operations will assign and authorize certain officers to use the ECW. Use of the ECW is prohibited to anyone who has not been trained, certified and given the authority to use the ECW. (Revised 12-18-06)
 - 3) Only properly functioning and charged ECWs will be used.
 - 4) With the exception of equipment tests and documented training, each discharge, including negligent discharges, shall be documented and investigated according to General Order 401.05, Reporting and Reviewing Uses of Force. In addition, a supervisor will be notified and will respond to each incident involving ECW usage, including negligent discharges. All sworn supervisors are required to attend a department certified two hour ECW familiarization course. (Revised 12-18-06)
 - 5) Any incident involving negligent discharge of the ECW, will result in the officer being removed as a department-approved ECW operator pending evaluation of the incident by the user's chain of command. (Revised 12-18-06) (Revised 01-27-10)
 - 6) Officers shall not draw or exhibit an ECW unless circumstances create reasonable cause to believe its use would be permitted under law or department regulations. ECW equipment tests shall be conducted in a safe and reasonable manner and not performed in the presence of the general public. (Added 12-01-10)
- b. **Examples of appropriate ECW use** (Revised 12-18-06) (Revised 01-27-10):
- 1) When an officer has clearly articulated his or her authority and intention to arrest, and the suspect by words or actions indicates to the officer that he or she will physically resist arrest and the officer believes that a lesser form of force would be ineffective or expose the officer to unnecessary danger.
 - 2) Situations in which the suspect is actively resisting and will not follow verbal direction from officers, and the use of the ECW may prevent the situation from escalating to a point requiring the use of higher levels of force, including deadly force.
 - 3) Situations involving threats to officer safety, and threats to others, including threats by a suspect to injure himself.

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- 4) Aggressive animals. When other, conventional means are unavailable or have been exhausted, or are unreasonable.

c. **Medical Evaluation.** After use of the ECW, the subject shall be treated and evaluated by appropriate medical personnel including:

- Doctor;
- Nurse;
- Ambulance attendant/Paramedic;
- Fire Department/EMT at the scene; or
- Minor care facility or hospital as may be appropriate under the circumstances.

After application, probes shall only be removed by medical personnel. The subject shall be observed for at least two hours beginning at the time of the ECW application. Once the subject is cleared by medical personnel, the officer shall coordinate with departmental personnel, including jail staff, to ensure continuous monitoring during this two hour period. (Moved from 401.04.E and Revised 01-27-10)

3. **Impact Weapon.** An officer may use the impact weapon the officer has been qualified to use to subdue a violently resisting subject or in self-defense or defense of a third party only if lesser methods have failed or if circumstances warrant the immediate use of the weapon. **Impact weapon strikes to the head, neck, throat, and clavicle will not be used unless Deadly Force is justified.** (Re-numbered 06-01-93) (A 1.3.4)

- C. **Medical Aid.** After any use of non-deadly force, the person using the force shall summon emergency medical aid, if necessary. Employees should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable. Procedures for handling injured or possibly injured arrestees are detailed in the General Order on Jail/Prisoners. (Effective 11-01-97) (A 1.3.5)

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401.04 DEADLY FORCE

- A. **Authorization.** Police personnel may only use deadly force when they reasonably believe it is necessary to protect themselves or another person from immediate danger of death or serious bodily injury. Deadly force is only authorized in making an apprehension, preventing immediate escape of an arrestee, or against a fleeing felon or other offender when the officer reasonably believes that the suspect poses an immediate threat of death or serious bodily injury to the officer or others. (Revised 06-04-04) (A 1.3.2)
1. Justification for use of deadly force is limited to the facts reasonably apparent to the officer at the time the officer decides to use the force. (Effective 06-01-93)
 2. Police personnel will not place themselves in a position of exposure to immediate threat of death or serious bodily injury when there are reasonable alternative actions. These include: (Revised 06-04-04)
 - a. available back-up officers subject to and consistent with the threat;
 - b. suitable cover;
 - c. securing the status quo pending additional resources and/or information; and
 - d. pre-planning response activity.
 3. When police personnel should reasonably perceive that the potential exists that deadly force may be an outcome of any situation, the employee must plan ahead and use reasonable alternatives if time and opportunities permit. "Reasonable alternatives" is defined as an action that may be taken by police personnel that may allow the employee to avoid the use of deadly force. The reasonableness of the action is based on the time available, the opportunity of performing the action, and the facts apparent to the employee before and during the incident. This includes the presence of innocent third persons. Planned and supervised hazardous entry situations are recognized as meeting the requirement of reasonable alternatives. (Revised 06-04-04) (A 1.2.7)
- B. **Limitations.** The authority to use deadly force is limited as follows: (Revised 06-01-93)
1. Deadly force will not be used against animals unless necessary for immediate self-defense or to prevent immediate substantial harm to the officer or another. (Re-numbered and Revised 06-01-93)
 2. An officer will not fire warning shots. (Re-numbered 06-01-93) (A 1.3.3)
 3. Officers will not discharge a firearm at or from a moving vehicle except when the suspect is using deadly force against the officer or others by means other than the vehicle or when all other reasonable means of defense have failed. Officers will not place themselves in a position in front of an oncoming vehicle where deadly force is a likely outcome. (Re-numbered 06-01-93)
 4. Officers will not discharge a firearm recklessly. (Effective 11-01-97)
- C. **Drawing Firearms.** Except for general maintenance, storage, or authorized training, officers will not draw or exhibit a firearm unless circumstances create reasonable cause to believe its use would be permitted under law and department regulations. (Revised 12-31-87) (A 1.2.7)

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D. Vascular Neck Restraint. Police Personnel who have been certified in its use may use either the Lateral or Unilateral Vascular Neck Restraint when confronted with a violent or destructive individual who should be arrested or restrained (if already in custody) **and** there are no other reasonable or practical forms of control **and** the officer is in reasonable fear of death or serious bodily injury. After use of the hold, the subject will be observed by medical personnel. This includes observation by a doctor, nurse, ambulance attendant, or Fire Department EMT at the scene or at a minor care facility or hospital as may be appropriate under the circumstances. (Revised 06-04-04) (A 1.3.5)

E. Dangerous and Aggressive Animals (Added 07-05-13) (Revised 04-30-14)

1. In circumstances where officers encounter any animal which reasonably appears, under the circumstances, to pose an imminent threat of bodily injury to officers or others, officers are authorized to use reasonable force to stop the threat. This includes up to and including deadly force. Deadly force is authorized when it complies with G.O. 401.04 A., Authorization of Deadly Force.
2. In circumstances in which officers have sufficient advanced notice that a potentially aggressive animal may be encountered, (e.g., serving of a search warrant; or when included in the call text while enroute to a call for service) officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, ECW, oleoresin capicum (OC) spray, assistance of animal control). Nothing in this policy shall prohibit any officer from using deadly force to stop an aggressive animal if the contingency plan has failed and deadly force is authorized as prescribed in training and described in G.O. 401.04 A., Authorization of Deadly Force.
3. In the event force is used against an animal by an officer and the animal is injured or there is a reasonable belief the animal is injured, regardless of whether visible injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its injuries. This may include but is not limited to:
 - contacting the owner to arrange private treatment in an appropriate time frame;
 - contacting Animal Services for collection and treatment;
4. Whenever an officer involved shooting takes place, a crime scene shall be established to manage the collection of the evidence. Generally, the preservation of an animal shooting crime scene shall not supersede the welfare of an injured animal. When reasonable under the totality of the circumstances, the owner or caretaker of the animal or Animal Services should have sufficient access to the crime scene to either treat or transport the animal.

F. Immediate Report to Supervisor. An employee will immediately report the use of deadly force to a supervisor. (Revised 06-04-04) (Renumbered 01-27-10) (Renumbered 07-05-13)

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401.05 REPORTING AND REVIEWING USES OF FORCE

- A. **When Written Report Required.** Unless injury prevents it, before the end of the employee's shift, a Use of Force report will be submitted when an employee: (Re-numbered and Revised 06-01-93)
1. takes an action that results in or is alleged to have resulted in injury or death of another person; (A 1.3.6b.)
 2. applies force through the use of: (Revised 06-01-93)
 - empty hand control; (A 1.3.6d.)
 - drawing a firearm in response to the presence of any subject unless the officer is acting in accordance with general maintenance, storage, or authorized training; (Added 06-18-03) (A 1.3.6d.)
 - pointing a firearm at any subject; (A 1.3.6d.)
 - handcuffing a person who is released without arrest; (A 1.3.6d.)
 - chemical irritant (oleoresin-capsicum spray, CS or CN gas); (A 1.3. 6c.)
 - TASER and/or the accidental discharge of a TASER; (A 1.3.6c.) (Added 06-04-04) (Revised 12-18-06)
 - impact weapon; (A 1.3.6c.)
 - Vascular Neck Restraint; (A 1. 3.6c.)
 - discharge of firearm on or off-duty (training and recreation are exempted); (Revised 11-01-97) (A 1.3.6a.)
 - diversionary device; (A 1.3.6d.)
 - apprehension by dog. (A 1.3.6d.)
- B. **Calls Involving More than One Officer/Detention Officer.** A Use of Force Report form can document uses of force by up to 3 officers or detention officers or against up to 3 subjects. Involvement of more employees or subjects requires additional forms. Completion of the form on any dispatched call is the responsibility of the primary dispatched officer. In any other event, the first officer/detention officers who uses force is responsible for completing the form. Each employee is responsible for assuring that their use of force has been correctly documented on a form. Each should complete their own narrative supplement to any arrest or offense report or an incident report to describe their actions. (Revised 11-01-97)
- C. **Routing and Review.** The Use of Force Report and any related reports will be routed through the chain of command to the Division Commander. If it is determined during the chain of command review that improper procedure or error occurred, appropriate action will be initiated. After the review, the Division Commander will forward the Report and any related reports to the Training Section. The Training Commander will conduct an annual analysis of Use of Force Reports. (Revised 11-15-99) (A 1.3.7; 1.3.13)
- D. **Reporting Exception.** Personnel assigned to a tactical operation who participated in both a pre-operation briefing and a post-operation debriefing or evaluation and whose actions were reviewed according to the procedures of the Special Operations Standard Operating Procedure are exempt from completing the Use of Force Report form. (Effective 10-04-93)

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401.06 INVESTIGATING USES OF FORCE

A. **No Firearms and No Serious Injury.** If firearms were not involved and injuries sustained were not serious, the use of force will be reported and reviewed through the chain of command as specified in 401.05C. above. (Revised 06-01-93)

B. **Firearms or Serious Bodily Injury or Death.** The following procedures will be followed after every incident of firearms discharge (other than training or recreation) by an officer and after every use of force that results or is likely to result in serious bodily injury or death. (Revised 03-30-92)

1. **Involved Employee Immediate activities.** The involved employee will: (Revised 12-31-87)

- a. determine the physical condition of any injured person, render first aid when appropriate, notify Dispatch Services of the incident and location and request necessary emergency medical aid; (Revised 11-01-97)
- b. unless removed from the scene for medical treatment, remain at the scene until the on-duty shift commander arrives. If involved officer's presence might cause a more hazardous situation to develop (violent crowd, for example) the ranking officer at the scene may instruct the officer to respond to a more appropriate location before the shift commander arrives; (Revised 11-01-97)
- c. if applicable, protect any weapon used for examination. (Revised 11-01-97)

2. Dispatch Services will send requested medical aid and notify the shift commander. (Revised 11-01-97)

3. **Preliminary Field Investigation**

- a. The supervisor will secure the scene and conduct a preliminary field investigation. The supervisor will relay the employee's request for a private attorney and/or a Critical Incident Stress Management Team Group member, but the employee must relate sufficient details of the incident, as the employee believes them to be, to allow the preliminary investigation to be conducted and a determination made of whether or not Internal Affairs, criminal investigations, or others are to be called to the scene without waiting for arrival of an attorney or Critical Incident Stress Management Team member. (Revised 11-01-97)
 - b. Dispatch Services will notify investigative and administrative personnel and, if applicable, an attorney specified by the employee and/or on-call Critical Incident Stress Management Team member, as directed by the supervisor. (Revised 06-04-04)
4. Involved employees will prepare written reports of the incident in a timely manner as directed by supervisors. (Revised 06-04-04)
5. **Administrative and Criminal Investigations in Cases of Serious Bodily Injury or Death.** In cases of serious bodily injury or death or the likelihood of same, administrative and criminal investigations will be conducted, as follows:
- a. Investigative personnel will be called to the scene.

- 1) **Administrative Investigation.** Internal investigators will be shown the scene and advised of the results of the preliminary investigation.

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- 2) **Criminal Investigation.** Traffic Section (in the case of a motor Vehicle Crash or pursuit involving a police employee acting in the scope of employment) or Crimes Against Persons investigators (in the case of a shooting or other exercise of official authority by a police employee) will conduct a thorough field investigation, collecting all evidence and interviewing all witnesses as would be done in any case that did not involve a police employee. In the case of a shooting, this shall include examining the weapon(s) (including secondary weapons and any weapons in police vehicles) of all officers present at the time any shots were fired, seizing weapon(s) that may have been fired; and seizing samples of spent ammunition. In addition, investigators shall secure tapes of all police radio traffic and print-outs of all MDC/MDT transactions relating to the incident. (Revised 11-01-97)
- b. Before interviewing or obtaining written statements of the involved employee(s), internal investigators will advise employees of their rights in an internal investigation (as specified in the General Order on Internal Affairs). (Revised 06-04-04)
(Miranda section deleted 07-02-12)
- c. A criminal investigation takes priority over an administrative one. (Effective 12-31-87)
- d. All applicable police reports will be forwarded to Internal Affairs before other police sections. The digital recording system will not be used in deadly force investigations. These reports will be retained by Internal Affairs until released by the Legal Advisor, except that appropriate investigative section personnel will retain all original documents generated by that section during the investigation. (Revised 03-30-92)
- e. The administrative and criminal investigations will be under the direction of the City Attorney's office and deemed confidential attorney work product, not to be disclosed except by express waiver or court order. (Effective 12-31-87)
6. **Deadly Force Review Board (DFRB).** Completed administrative and criminal investigations in cases of serious bodily injury or death of a person by uses of force other than a vehicle will be reviewed by a Deadly Force Review Board appointed by the Police Chief. The Police Chief may but is not required to appoint a DFRB in cases involving motor vehicle operation by an officer. (Revised 11-01-97)
 - a. Each Board will have two Lieutenants, a Sergeant, and two patrol-grade officers. Police personnel in the chain of command of the involved employee(s), those involved in the incident or the investigation, and those who were at the scene of the incident for any reason are ineligible to serve on the DFRB. The Police Legal Advisor and Training Commander will be ex officio members of the Board. The employee may select one member of the Board subject to the membership criteria stated in this provision. (Revised 06-04-04)
 - b. The Board will elect a presiding officer from among their members. The Chairperson presides at all meetings of the Board and votes only in case of a tie.
 - c. The Board will review reports and facts submitted by Internal Affairs and, if applicable, the appropriate other investigative section. The Board will not hear any direct testimony from involved personnel or witnesses. If additional information on the facts of the incident is needed, the Board will ask the investigative segment to conduct supplemental interviews. The Board will submit a written report indicating its concurrence or non-concurrence with the investigative segments report(s). The report will state specifically the reasons for the Board's conclusions. The DFRB report on an Internal Affairs investigation will be sent to the commander of the employee's Division. The DFRB report on a criminal or traffic investigation will be sent to the Police Chief. (Revised 11-01-97)

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- d. The Board will make a report to the Police Chief, evaluating the quality of supervision prior to, during, and after the incident and the quality of the post-shooting investigative process(es), and recommend establishment or revision of any training, policy, or procedure determined during its review to be necessary.

(Renumbered 03-30-92)

7. **Civil Rights Investigations.** The department will not order or request any of its members who may be suspects to confer with federal investigators without the advice of counsel. (See General Order 206.02). (Effective 12-31-87)

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401.07 DEALING WITH THE AFTEREFFECTS OF USES OF FORCE

- A. **Mandatory Administrative Leave.** When an employee's exercise of police authority results or is likely to result in serious bodily injury or death, the employee will be placed on administrative leave with pay for the rest of that tour of duty and the next regularly scheduled tour of duty. (Revised 06-04-04) (A 01.03.08)
1. As quickly as possible and no later than five days after the incident, the employee will be sent to a department-furnished psychologist. The purpose of the consultation is to allow the employee to express feelings and to deal with the moral, ethical, and/or psychological aftereffects of the incident. It also allows the psychologist to have input into the assessment of the employee's fitness to return to duty. (Revised 06-04-04)
 2. The consultation with the psychologist will not be related to any department investigation of the incident. Nothing discussed in the consultation, except as it relates to the employee's fitness for duty, will be reported to the department. The consultation session will remain protected by the privileged Professional Psychologist Code of Ethics. (Revised 06-04-04)
 3. The mandatory administrative leave may be extended for a period of time deemed appropriate by the Deputy Chief of the involved employee's Division or, in the Deputy Chief's absence, another Deputy Chief designated by the Police Chief, with the input of the employee and psychologist. (Revised 06-04-04)
 4. When use of force has resulted in death, no employee will be returned to regular duty until an administrative review by the Deputy Chief of the employee's Division or, in the Deputy Chief's absence, another Deputy Chief designated by the Police Chief, has been completed and forwarded to the Police Chief for inclusion in the Internal Affairs file. (Revised 06-04-04)
 - a. The purpose of this review is to determine if it would be in the best interest of the department to return the employee to regular duty or to reassign the employee to other duties pending completion of the full investigation into the incident. (Revised 06-04-04)
 - b. The review must be in writing and indicate the specific findings and reasons for returning the employee to regular duty or reassigning the employee. (Effective 04-03-89)
 - c. In the case of reassignment, the written report will include either a proposed date of return or a specific date by which the incident will again be reviewed for return to duty determination. (Revised 06-04-04)
- B. **Discretionary Administrative Leave.** An immediate supervisor has discretion to place an employee on administrative leave with pay for the employee's next shift for exercise of use of force that results in less than serious bodily injury. (Revised 06-04-04)
- C. **Counseling.** In addition to psychological consultation, the employee and members of the employee's immediate family may obtain assistance of the Critical Incident Management Team and/or the department chaplain in dealing with the moral and ethical aftereffects of the incident. (Revised 06-04-04)
- D. An employee on administrative leave must remain available at all times for official department interviews and statements regarding the incident. While on leave and after return to duty, the employee will not discuss the incident with anyone except assigned investigators, private attorney, psychologist, chosen clergy, spouse, or Critical Incident Management Team assigned member. (Employee's should note that immediate family members other than the spouse and members of the Critical Incident Management Team are not subject to the confidential communications privilege.) (Revised 06-04-04)