

**150.0 USE OF FORCE INVESTIGATION (Revised 8/94) (Revised 06/09)**

An investigation will be conducted in every use of force incident when an employee (sworn or non-sworn) resorts to the use of any degree of physical force including the use of lethal weapons or less lethal devices. This DOES NOT include routine handcuffing, escorting or searching where no physical resistance occurred and no pain compliance techniques were applied.

Employees shall be classified as involved or witnessing for the purpose of defining the responsibility of each individual. Those will be:

- A. Involved employee: Shall mean any employee or employees who actually took action in the incident including the use of force.
- B. Witnessing employee:
 - 1. An employee who observed or was present during the use of force incident; or
 - 2. An employee who was directly or indirectly involved in the events leading up to, during, or after the incident, but did not participate in the use of force.

150.01 NOTIFICATION (Revised 11/95) (Revised 06/09)

Any time an on-duty employee utilizes physical force, an on-duty supervisor will be notified immediately and will respond to the scene of the incident. In the event the supervisor cannot respond to the scene, the employee shall immediately advise the supervisor of the circumstances surrounding the use of force.

Any time an off duty employee utilizes physical force, in any official capacity, the employee shall:

- A. Immediately notify an on-duty supervisor; or
- B. In circumstances of extra duty employment, where off duty OCPD supervisors are employed and present at the extra duty assignment, they may conduct the use of force investigation. The off duty supervisor will notify the Watch Commander.

A supervisor of the next highest rank shall complete a use of force investigation unless otherwise directed by the involved employee's Division Commander.

150.02 POST-USE OF FORCE INCIDENT EMPLOYEE PROCEDURES (Adopted 06/09)

When possible, the involved/witnessing employee shall:

- A. Render first aid and/or summon medical attention;
- B. Secure the scene;
- C. Identify witnesses and evidence.

150.10 NON-INJURY/INJURY REQUIRING LESS THAN IN-PATIENT HOSPITALIZATION (IN-PATIENT HOSPITALIZATION IS DEFINED AS ADMISSION REQUIRING MORE THAN ER TREATMENT AND RELEASE) OCCURRENCES **EXCLUDING DISCHARGING A FIREARM (Adopted 8/94) (Revised 06/09)**

The following incidents shall be classified as non-injury or injury when any use of force is used by an employee(s) and/or any action by an employee(s) may result in:



-
- A. Any individual not sustaining injury; and/or,
 - B. Any injured employee or another person requiring less than in-patient hospitalization as defined above other than from the discharge of a firearm.

150.11 RESPONSIBILITIES OF THE INVOLVED/WITNESSING EMPLOYEE (Adopted 8/94) (Revised 06/09)

The involved/witnessing employee shall:

- A. Notify their on-duty supervisor as soon as possible prior to leaving the scene.
 - 1. If the incident occurs on the jail premises, the employee must also notify an on-duty OCPD jail supervisor.
- B. Complete a report of all facts and circumstances surrounding the incident. If an arrest report is not applicable, the involved/witnessing employee will complete a supplemental report. The following shall be included:
 - 1. Date, time and place of occurrence; and
 - 2. The identity and description(s) of all known persons at the scene; and
 - 3. A full and detailed description of events and all force used or witnessed. This should include whether or not injury was sustained by the suspect and/or by the involved/witnessing employee.
- C. The employee will ensure his/her report is provided to the investigating supervisor prior to the end of their shift.

150.12 RESPONSIBILITIES OF THE INVESTIGATING SUPERVISOR (Revised 11/95) (Revised 06/09) (Revised 5/12)

Once notified, the supervisor will respond to the scene and determine whether a use of force investigation is required. If an investigation is required, the supervisor will be responsible for the following actions:

- A. Conducts a thorough follow-up investigation, to include, but not limited to:
 - 1. Interviewing all employees, suspects and witnesses.
 - 2. Collect and review all relevant reports.
 - 3. Ensures photographs are taken of any injured person including employee or employees, or of any person who claims to be injured, whether or not the injuries are visible.
 - 4. Ensures photographs are taken of any property damaged including uniforms or police equipment.
- B. Complete a Supervisor's Follow-up Investigation Report Use of Force/Physical Compliance Coversheet, Witness Sheet (as needed) and Narrative Form. If an ECD is deployed, the supervisor will obtain an ECD Data Download Report and complete the Supervisor's ECD checklist.
- C. Distributes the report through the chain of command to the Division Commander, with a copy of the employee's report and all other pertinent documents.

**150.13 RESPONSIBILITY OF DIVISION COMMANDER (Adopted 8/94) (Revised 06/09)**

The Division Commander will review all reports to ensure the completeness of the investigation and of the reports, then forward the completed investigation to the Operations Bureau office. The investigation will then be forwarded to the Screening Committee for review.

150.14 RESPONSIBILITY OF THE SCREENING COMMITTEE (Adopted 8/94) (Revised 06/09)

The Screening Committee will convene primarily for the purpose of reviewing and evaluating all reports and other evidence of a use of force as indicated in Procedure 150.10 to determine if the employee's actions were consistent with all written directives. If necessary, the Screening Committee may send the investigation back to the affected Division Commander for further investigation. If its finding is the use of force or other employee's actions were anything other than unanimously justified and appropriate, the investigation will be referred to the Deputy Chief of the affected Bureau.

150.15 RESPONSIBILITY OF INVOLVED EMPLOYEE'S BUREAU CHIEF (Revised 2/98) (Revised 06/09)

The involved employee's Bureau Chief will review all investigations forwarded by the Screening Committee and make a determination as to whether the employee's actions were consistent with all written directives. If a determination is made that an employee's actions were inconsistent with departmental written directives, the Bureau Chief will take appropriate action.

Upon appropriate disposition, all Use of Force investigations will be forwarded to the Office of Professional Standards.

150.16 RESPONSIBILITY OF THE OFFICE OF PROFESSIONAL STANDARDS (Adopted 8/94) (Revised 06/09)

At the direction of the Chief of Police, or the designee, the Commander of the Office of Professional Standards shall assume responsibility for conducting a Use of Force investigation. This does not alleviate the involved/witnessing employee(s) of their reporting responsibilities under Procedures 150.11. The results of this investigation will be forwarded to the Chief of Police.

150.17 CHIEF OF POLICE (Adopted 8/94) (Revised 06/09)

The Chief of Police receives reports referred to him/her and makes final disposition of the incident.

150.18 USE OF DEADLY FORCE, IN-CUSTODY DEATH, AND/OR USE OF FORCE RESULTING IN INJURIES REQUIRING HOSPITALIZATION (Adopted 06/09)

Incidents involving the use of deadly force, an in-custody death, and/or use of force resulting in injuries requiring in-patient hospitalization (as defined in 150.10), all employees involved in the post Use of Force investigation shall be aware of the following:

- A. Police communications is responsible for notifying the on-call FOP representative.
- B. The FOP representative will be allowed to make contact with the involved employee(s), as defined in OCPD Procedure 150.0, solely for the purpose of offering to provide legal representation.
- C. If an involved employee(s) chooses to have legal representation, that representation may be provided by the FOP or through other private counsel retained by the employee.
- D. The involved employee(s) will be allowed an opportunity to meet privately with an attorney prior to participating in a voluntary walk-through of the crime scene with investigators. The purpose of the walk-through is not to obtain a statement from the involved employee(s). Key items of evidence and the different areas of the scene will be identified by the involved employee(s) participating in the voluntary



walk-through. The involved employee(s) may, at any time, consult the attorney who must remain outside the scene.

- E. Photographs of involved employee(s) will be taken and uniform items may be collected as evidence when necessary.
- F. Involved employees' weapons will be examined and/ or tested by appropriate Departmental Personnel as outlined in Procedure 150.41. Other employees' weapons may be examined if deemed appropriate.
- G. The appropriate Bureau Commander, or designee, will place involved employee(s) on Administrative Leave.
- H. Investigators will request involved employee(s) to voluntarily submit to an audibly recorded interview, which will occur no earlier than 48 hours after the use of deadly force or in-custody death incident. However, in the course of the investigation there may be circumstances that require an investigator to contact the involved employee(s) or counsel, if represented, and request information prior to the formal interview.
- I. During the criminal portion of the investigation, it is the involved employee(s) decision to voluntarily participate in a formal interview or provide information to investigators.
- J. Witnessing employee(s), as defined in Procedure 150.0, are compelled by departmental policy to cooperate in any investigation.
- K. Once the criminal investigation has been completed, it will be presented to the appropriate District Attorney. After a disposition has been received from the District Attorney's Office, an Administrative Investigation of the incident will be conducted to determine if the actions of employee(s) are in compliance with directives of the police department.

150.20 OTHER INCIDENTS OF INJURY OR DEATH INVOLVING THE USE OF FORCE **EXCLUDING A FIREARM** (Revised 9/01) (Revised 06/09)

The following procedures shall apply in all cases, on or off-duty, where any force is used by an employee and:

- A. The use of force was applied to any individual while physically restrained or in custodial care and death occurs or may occur;
- B. The use of force was applied to any individual using authorized or unauthorized equipment and death occurs or may occur; and/or
- C. The use of force was applied to any individual, who after the incident requires in-patient hospitalization (defined in 150.10).

150.21 RESPONSIBILITIES OF THE INVOLVED/WITNESSING EMPLOYEE (Revised 8/94) (Revised 06/09)

The involved/witnessing employee will be responsible for ensuring an on-duty supervisor and the Communications Unit are notified. Upon the supervisor's arrival, the involved/witnessing employee shall inform the supervisor briefly of the circumstances surrounding the incident.

150.22 RESPONSIBILITIES OF THE COMMUNICATIONS UNIT SUPERVISOR (Revised 8/94) (Revised 06/09) (Revised 10/12)

When notified of any incident as defined in Procedure 150.20, the Communications Unit Supervisor will ensure that all necessary units listed below have been notified: