

**POLICY
801**

**EFFECTIVE
DATE
3-01-12**

**Eugene
Police Department**



Policy 801 - Use of Force Reporting

801.1 PURPOSE AND SCOPE

This policy provides standardized reporting and investigation for use of force incidents. Any use of deadly force that results in death or serious physical injury to a person will be handled in accordance with Policy 810 (Use of Deadly Force Investigation) which implements provisions of Oregon law and the Lane County *Deadly Physical Force Plan*. In such cases, the provisions of that policy will take precedence over any conflicting provisions of this policy. Reporting requirements in this policy apply to department volunteers, such as cadets and reserve officers, as well as to paid employees. This policy is designed to be used in concert with all other department policies relating to use of force.

801.1.1 DEFINITIONS

Reportable incident: Any incident, whether occurring on or off duty, in which any of the following has occurred:

- Use of department-owned equipment resulting in property damage or injury to a person or animal;
- Discharge of a firearm while on duty, while on City property, or while in performance of police duties (except for authorized test-firing or approved training activities);
- Discharge of any City-owned firearm, except while using the firearm for lawful target practice;
- Use of OC spray in the performance of police duties;
- Use of a TASER in the performance of police duties,(refer to policy 809.4.4 Taser, Report of Use);
- Use of an impact weapon to strike blows against a person;
- Use of any other department-owned or department-issued less-lethal weapon (e.g., bean-bag round, tear gas) against a person (with or without hits);
- Use of the carotid restraint/LVNR or other neck restraint against a person;
- Focused blows/kicks that strike a person;
- A bite by a police K-9
 - to a citizen under any circumstance,
 - employees who are not handlers, or
 - handlers where serious injuries are suffered;
- Any act occurring during performance of police duties resulting in property damage; or
- Any act occurring during performance of police duties resulting in physical injury (as defined by ORS 161.015) or loss of consciousness to someone.

Major incident: Any reportable incident:

- That results in serious physical injury (ORS 161.015) or death; or
- That involves an intentional discharge of a firearm* at a person;
- That involves another intentional application of force which is intended to, or would reasonably be expected to, cause serious physical injury or death; or
- That involves a discharge of a firearm* that injures anyone.

* NOTE: Discharge of a firearm as a means to launch an extended-range impact weapon (e.g., bean-bag round) or chemical agent does not constitute a major incident unless serious injury or death results.

Minor incident: Any reportable incident that is not a major incident.

Administrative assignment: temporary reassignment to non-enforcement duty, or to duties other than the employee's normally assigned duties.

Administrative leave: relief from duty (without loss of pay or benefits). During administrative leave, an employee may not work overtime assignments or be assigned modified duty. S/he must be available for interviews and appointments with health care professionals or related activities. Administrative leave duty hours are normally daytime hours that do not exceed the employee's normal work day, week or pay period.

Uses of Force/Pursuit Report: A special electronic report form to be completed by the primary involved employee in a minor reportable incident, or by the investigating supervisor (or, if none, the involved employee's supervisor) in a major reportable incident. The completed form should document all reportable uses of force against the subject by all officers involved, not just the employee completing the report, and should be approved by the same supervisor who approves the report package for the incident.

801.2 GENERAL PROCEDURES

(a) Any reportable incident must be reported to the employee's supervisor or the Watch Commander as soon as possible, even if the incident occurred outside the City.

(b) Remember that discussions with other employees (except designated peer counselors, under authority of ORS 181.860) have no confidentiality privilege. Therefore, an involved employee should not discuss any major incident except with department investigators or supervisors, and/or with persons with whom such conversations are privileged (e.g., an attorney). (For further information regarding peer counselors, refer **General Order 101.7.**)

(c) The ranking command officer involved in a major investigation must approve the release of information regarding the incident to the media or to other individuals or agencies not involved in the investigation.

(d) Unless this policy or specific instructions from a supervisor indicate otherwise, any use of force should be documented in the appropriate police report (e.g., Custody Report). This is true whether or not a *Use of Force/Pursuit Report* is completed. A printout of the electronic Use of Force/Pursuit Report form will be attached to the police report as it will only include information that should be in the police report.

801.3 MINOR INCIDENTS

801.3.1 INVOLVED/WITNESS EMPLOYEES

(a) The primary employee involved with each person against whom the reportable force is used must complete a *Use of Force/Pursuit Report*. *Only the electronic form is authorized. It must also be submitted electronically to their supervisor. Attach a printout of the report to the police report of the incident.* If the reports are done at different times, *the printout of the Use of Force/Pursuit Report* is to be turned in to the employee's supervisor within 24 hours of the incident and the Supervisor will ensure that it is included in the police report package once it is approved. For purposes of this section, "primary employee involved" means the employee utilizing the highest degree of force. If multiple employees utilize the same level of force against a person, it is the employee who first initiated that level of force. If there is any question as to who should complete the *Use of Force/Pursuit Report*, a supervisor should be consulted and s/he will determine who will complete the report.

(b) For the following types of minor incidents, a *Use of Force/Pursuit Report* is not required. Instead, follow the procedures outlined.

(1) A minor incident involving use of a police service dog will be reported using this form but will be reported in accordance with that unit's procedures and is only to be completed by a K9 handler.

(2) A vehicle collision in which the police vehicle was not employed as a use of force will be reported in accordance with Policy 602 – Traffic Crash Reporting.

(3) If a police vehicle contacts another vehicle due to use of a forcible stop tactic, that use of force will be documented in the *Use of Force/Pursuit Report Form*

(4) The following incidents will be reported via memorandum, unless the necessary information is included in a police report about the incident:

- Any reportable discharge of a firearm that does not constitute a major incident
- Damage to property or injury to an animal
- Use of chemical agents (such as tear gas), except during approved training
- Use of OC spray against an animal
- Use of a firearm to kill a seriously injured or diseased animal while on duty with prior supervisory authorization.

801.3.2 PROCESSING MINOR INCIDENTS

(a) The involved employee's supervisor will review minor incidents and the *Use of Force/Pursuit Report*, and may require the employee to submit other oral or written reports.

(b) The Division Manager may ask the employee's supervisor for a report.

(c) If investigation of an allegation is necessary, the supervisor will proceed in accordance with relevant department policies.

(d) The supervisor may reclassify the incident to a major incident, or may conduct further investigation as outlined in this procedure, if the circumstances warrant.

801.4 MAJOR INCIDENTS

801.4.1 PROCESSING MAJOR INCIDENTS

(a) A major incident in which the use of deadly force by an officer has resulted in serious injury or death will be handled in accordance with the provisions of Policy 810 Use of Deadly Force Investigations.

(b) A major incident involving either the intentional discharge of a firearm at a person, or an intentional application of force which is intended to, or would reasonably be expected to cause serious physical injury or death, will be handled in accordance with all provisions of Policy 810 which are applicable. The responsibilities assigned to IDFIT in that policy will be carried out by EPD Investigations Division, unless the Chief of Police or designee indicates that another agency will handle or assist in the investigation.

(c) A major incident involving a discharge of a firearm which injures someone, and that is not covered under (a) or (b) above, will be handled in accordance with § 801.4.2 below.

801.4.2 INVESTIGATION OF INTENTIONAL WEAPON DISCHARGE

(a) Investigations Division will normally conduct any criminal investigation to determine the propriety of criminal charges.

(b) Primary control of the incident investigation will rest with the criminal investigators. They must cooperate with all reasonable requests from the internal or civil investigators.

(c) The involved employee(s) will be told who will be conducting the investigations as soon as practical.

(d) Investigators will follow normal investigative procedures, including separating involved and witness employees and procedures for seizure of evidence, to maintain the integrity of the investigation. The assigned criminal investigator will normally take custody of the weapon, and officer will normally be given a replacement weapon.

801.5 SUPERVISORY RESPONSIBILITIES

801.5.1 MINOR INCIDENTS

(a) Respond to the scene and review the incident with the involved employees to ensure all procedural requirements and aftercare needs are met and to identify any matters requiring supervisory follow up (e.g. interviewing, or at least identifying citizen witnesses, ensuring photographs are taken and physical evidence is collected). Provide any assistance needed by on-scene employees, involved persons, or uninvolved third parties.

(b) Ensure a completed *Use of Force/Pursuit Report* is received from the primary involved employee within 24 hours of the incident. If s/he is unable to complete the report, have another involved employee complete the form, or complete it yourself if needed.

(c) Review the form for completeness, and review the use of force to ensure it is consistent with law and department policy.

d) Review the electronic *Use of Force/Pursuit Report* to ensure completeness and accuracy. If the form needs corrections, return it to the employee prior to forwarding it. Once the report is complete and accurate, approve the report. Administrative Staff will forward the report to the Defensive Tactics Coordinator.

801.5.2 NOTIFICATIONS

In a case involving the discharge of a firearm which is not being handled under the provisions of Policy 810 Deadly Force Investigations, the on-scene supervisor will normally notify:

- Investigations
- Involved officer's chain of command through the division manager
- EPEA representative (if desired by a represented employee)
- PIO

801.6 POST- INCIDENT REVIEW

801.6.1 USE OF FORCE REVIEW BOARD

The Chief of Police may convene a Use of Force Review Board to review the incident, with procedures and responsibilities as outlined in Policy 802.2.

801.6.2 CHIEF OF POLICE

The Chief of Police will make the final determination regarding compliance with policy and procedures, and any necessary corrective action.

(OAA 1.3.7)