



SPECIAL ORDER

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SUBJECT

USE OF FORCE AND DETAINEE INJURY REPORTING AND INVESTIGATION POLICY

REVISIONS	RESCINDS	EXPIRATION DATE	DISTRIBUTION
Revisions are italicized	Department Manual Directive 201.11, USE OF FORCE AND DETAINEE INJURY REPORTING/INVESTIGATION	12/16/2023	A

Purpose

The purpose of this directive is to provide procedures for the reporting, documenting, investigating, and reviewing of all use of force/detainee injuries.

Policy

1. It is the policy of the Detroit Police Department (DPD) that members shall document on a Use of Force/Detainee Injury Report (UF-002), every incident as defined by this Directive, occurring while a member is acting in an official law enforcement capacity while either on or off duty.
2. All Supervisor Investigation Reports (UF-002a) shall be impartial, thorough, and complete to the extent reasonably possible and shall determine whether the member's action was justified. These investigations shall be conducted by a supervisor who did not authorize, witness, or participate in the incident. No investigation shall be closed prematurely simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including a refusal to provide medical records or proof of injury.

Definitions

Allegation of Use of Force

Any case where a citizen alleges that force was used and the involved member denies using force or did not report it.

Critical Firearm Discharge

Each discharge of a firearm by a Department member, with the exception of range and training discharges and discharges at animals.

Detainee/Prisoner Injury

Any injury or complaint of an injury that occurs in the course of taking, or after an individual was taken, into DPD custody that is not attributed to a use of force by a Department member.

Note: This would include, but is not limited to, vehicular pursuits and foot pursuits resulting in injuries to the fleeing subjects.

Escorting

The use of light physical pressure to guide a person, or keep a person in place.

Force

1. The term “force” means the following actions by an officer:
 - a. Any physical strike or instrumental contact with a person;
 - b. Any intentional attempted physical strike or instrumental contact that does not take effect; or
 - c. Any significant physical contact that restricts the movement of a person.

2. The term “force” includes the following:
 - a. The discharge of firearms;
 - b. The discharge of *the CEW* (Taser);
Notably, CEW (Taser) Deployment Types drop-down menu was added into the UF-002 form including the following options:
 1. *CEW discharged-took effect*
 2. *CEW discharged- did not take effect*
 3. *CEW discharged accidental*
 4. *CEW Acquire a Target*
 5. *CEW Un-holstered-target not acquired*
 - c. The use of chemical spray;
 - d. Choke holds or hard hands;
 - e. The taking of a subject to the ground; or
 - f. The deployment of a canine.

3. The term “force” does not include escorting or handcuffing a person with no or minimal resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person is used.

Hard Hands

Using physical pressure to force a person against an object or the ground, or the use of physical strength or skill that causes pain or leaves a mark.

Hospital Admission

Refers to any person admitted to a hospital on an “in-patient” basis for treatment of any illness or injury by a qualified medical and/or mental health professional. The term hospital admission does not include emergency room visits or medical and/or mental health treatment completed on an “out-patient” basis.

Injury

Any impairment of physical condition or pain.

Non-Involved Supervisor

A supervisor who did not authorize, witness, or participate in the incident. **Note:** A non- involved supervisor must conduct the investigation.

Serious Use of Force

Any action by a Department member that involves:

- a. The use of deadly force, including all critical firearm discharges;
- b. The use of force in which the person suffers serious bodily injury or requires hospital admission;
- c. A canine bite; and
- d. The use of chemical spray against a restrained person.

Note: Officers are prohibited from spraying a handcuffed individual in a police vehicle (Directive 304.3 – 5.1).

Special Populations

Individuals, who because of some condition (e.g. age, a medical or mental condition, size, or stature) are unable to comply with a member's verbal commands.

Verbal Direction

Any audible commands/orders from a member to a subject giving specific instruction for a task to be performed. Included in verbal direction are verbal warnings, whereas an outcome is indicated if the subject does not follow the command/order.

Use of Force/Detainee Injury Incidents and Their Categories

A UF-002 shall be prepared for each of these incidents by the involved officer(s) except allegations of force, which shall be completed by a supervisor. Use of force is broken into four (4) types of incidents based on their categories:

- a. Use of force;
- b. The drawing of a firearm and acquiring a target;
- c. Detainee injuries, including:
 - Attempt suicides
 - Vehicular and foot pursuits resulting in injury to the subject; and
- d. Allegations of force by DPD members.

Category 1 Incidents

1. Category 1 Use of Force – Investigated by Force Investigations (FI). Category 1 uses of force include the following:
 - a. Death resulting from discharge from a member's firearm. Any death following an altercation with a member of the department;
 - b. All discharges of firearms (except at the firearms range and at animals. See Manual Directive 304.3 – 4.7, Dangerous Animals);
 - c. The use of chemical spray against a restrained person (Note: Members are prohibited from spraying a handcuffed individual in a police vehicle [Directive 304.3 – 5.1, Chemical Spray Device]);
 - d. Any use of force resulting in broken bones or loss of consciousness. Injury requiring hospitalization (including hospitalization for observation) or a substantial risk of death, serious disfigurement, disability or impairment of the

- functioning of any body part or organ, and head strikes with an impact weapon;
- e. Any incident involving a Taser drive stun;
 - f. Any incident involving a Taser probe strike to a person's head, face, and/or genitals;
 - g. Any incident involving a Taser discharge against a member of a special population;
 - h. *Any incident involving a 40 MM Launcher with Foam Impact round or Pepperball Tac-SA with Pepperball projectiles to a person's head, face, and/or genitals;*
 - i. Department canine bites; and
 - j. Allegations of a use of force that are of a Category 1 type.

Note: Force Investigations may delegate all other use of force or detainee injury investigations to the parent command.

2. Category 1 Detainee Injury Incidents – The responding supervisor shall notify Force Investigations, who shall assume responsibility for conducting and completing the following applicable investigations:
 - a. Any detainee injury resulting in broken bones or loss of consciousness;
 - b. Injury requiring hospitalization or substantial risk of death, serious disfigurement, disability, or impairment of the functioning of any body part or organ;
 - c. In-custody suicide attempt where there is a substantial risk of death, serious disfigurement, or disability or impairment of the functioning of any body part or organ;
 - d. All in-custody deaths; and
 - e. Vehicular pursuits that result in a critical/fatal injury to the fleeing subject(s).

Category 2 Incidents

1. Category 2 Use of Force – Investigated by the parent command (unless the investigation is assumed by Force Investigations. Category 2 uses of force include:
 - a. Physical control (e.g. strikes, kicks);
 - b. Takedowns that result in injury or a complaint of injury, *through police actions, excluding pre-existing injuries*, but does not meet the criteria of a Category 1;
 - c. Intermediate controls – Use of intermediate weapons that do not meet the criteria of, or cause injury as indicated in Category 1;
 - d. A Taser discharge that:
 - Impacts any area of the subject's body, excluding areas that would elevate the matter to a Category 1 (i.e. head, face, and/or genitals); and
 - Is deemed by Force Investigations to not be a special population.
 - e. *A 40 MM Launcher with foam impact round or Pepperball Tac-SA with Pepperball Projectiles that:*
 - *Impacts any area of the subject's body, excluding areas that would elevate the matter to a Category 1 (i.e. head, face, and/or genitals);*

- f. An injury or complaint of injury that occurs in the course of taking, or after an individual was taken into DPD custody, not requiring hospitalization; and
 - g. The use of chemical spray where the subject complains of or suffers adverse effects from the chemical spray after the subject has been decontaminated.
2. Category 2 Detainee Injury Incidents – The responding supervisor shall notify Force Investigations. The responding supervisor shall assume responsibility for conducting and completing all applicable investigations as follows:
- a. Any injury that occurs in the course of taking, or after an individual was taken into DPD custody, not attributed to a use of force by a DPD employee and **not** requiring hospitalization; and
 - b. In-custody attempt suicide once assessed by Force Investigations and returned to the parent command.

Category 3 Incidents

1. Category 3 Use of Force – Investigated by the parent command. In order for a use of force to be labeled a category 3, the following stipulations shall apply:
- a. The subject must not require medical attention for the use of force;
 - b. The subject must not suffer any adverse effects from the use of chemical spray; and
 - c. There must be no visible injury or complaint of injury.
2. Category 3 uses of force include:
- a. Physical Controls – forcibly handcuffing, restriction of movement, takedown (no injuries or complaint of);
 - b. Compliance Techniques (joint locks, pressure points);
 - c. The use of a PR-24 as a compliance tool to assist in forcibly handcuffing. However, any strike with a PR-24 shall be investigated as a Category 1 or 2;
 - d. Taser discharge that does not make contact with the suspect (including Taser discharges that only strike the subject's clothing);
 - e. *Discharge of 40 MM Launcher with foam impact round and Pepperball Tac-SA with Pepperball projectile that does not make contact with an individual;*
 - f. Deployment of Chemical Spray with no complaint of adverse effects; and
 - g. Canine apprehension.

Category 4 Incidents

Category 4 Use of Force- Investigated by the parent command. In order for a use of force to be labeled a category 4, the following stipulations shall apply:

- a. *Category 4 use of force is specific to calls for service by EMS that require physical assistance with the medical transport of seriously ill/injured patients*
- b. *Members shall assist when qualified medical personnel (Physician or equivalent in determining diagnosis) has determined the patient has suffered a life threatening injury and immediate medical treatment is critical;*
- c. *Detroit Fire Department/Emergency Medical Services' (DFD/EMS) is requesting*

police assistance:

- d. *The patient is verbally refusing and physically resisting observation by EMS personnel and/or transport to a medical facility;*
- e. *Qualified medical personnel has determined that due to the patient's diminished capacity they are unable to comprehend the seriousness of their injuries;*
- f. *The DPD member, at the request of EMS personnel, physically assists by placing subject/patient into ambulance due to the fact the subject verbally refused and/or physically resisted; and*
- g. *The subject/patient suffers no injuries as a result of the DPD member's assistance, nor were there any accusations of injury by the subject/patient.*

The Drawing of a Firearm and Acquiring a Target

The parent command shall investigate incidents where a member draws a firearm and acquires a target (e.g. person, subject) and there are no further uses of force. *This does not include less lethal weapons.* Please refer to Training Directive 11-01, Reporting/Documenting the "Acquiring of a Target," and Training Directive 11-01a, Reporting/Documenting the "Acquiring a Target Audio/Video Review of the Incident" for detailed procedures for members and supervisors.

Member's Responsibility for Reporting Uses of Force/Detainee Injuries

Immediate Notification

A member shall immediately notify the dispatcher for a supervisor to respond to the scene for the following:

- a. For any use of force or detainee injury;
- b. Any visible sign of injury; or
- c. A complaint of injury.

Reporting and Investigating Category 3 Uses of Force

1. A Category 3 Use of Force shall be reported in a modified fashion compared to a category 2 Use of Force, and shall be based on the criteria set forth in the outlined Category 3.
2. If the use of force is deemed a Category 3, members shall:
 - a. Notify Communications of the use of force in connection with the stop, investigation, or dispatched call for service;
 - b. Prepare an incident report detailing the use of force incident; and
 - c. Prepare a Use of Force/Detainee Injury Report (UF-002) within MAS prior to the end of their tour of duty.

Notification upon Discharge of a Firearm

1. **On Duty** – The involved member or their partner shall immediately notify the zone dispatcher of the following:
 - a. Involved member's radio code;

- b. Name and badge number of involved member;
 - c. Location; and
 - d. Whether any shots took effect or if there were any injuries.
2. **Off Duty** – The involved member shall immediately notify the local authorities, then notify DPD's Communications Section of the following:
- a. Name and badge number;
 - b. Location; and
 - c. Whether any shots took effect or if there were any injuries.

Note: Off-duty Department members are prohibited from carrying or using firearms or taking police action in situations where a member's performance may be impaired, or the member's ability to take objective action may be compromised. If it appears that the member making an arrest or carrying a firearm while off duty has consumed alcohol or is otherwise impaired, the member shall be required to submit to field sobriety, breathalyzer, and/or blood tests, only at the direction of Force Investigations or Internal Affairs.

Members to Provide a Statement

All Department members who witness or are involved in an incident are required to provide a timely statement regarding the incident subject to the DPD's Garrity Protocol (Training Directive 04-4).

Required Paperwork for Use of Force/Detainee Injury Report (UF- 002)

On Duty:

1. Each member who uses force in an incident shall submit a UF-002 through the Management Awareness System (MAS), or if MAS is inoperable, a paper UF-002 shall be completed. Members will also be required to document on the UF-002, any detainee injury or complaint of injury in the narrative portion of the report.
2. Only one (1) UF-002 shall be completed for each involved member for a use of force. If there are additional subjects involved in the same incident they shall be listed in the narrative section of the report.
3. Only one (1) UF-002 shall be completed for a detainee injury per incident.
4. The member shall forward the report to their primary supervisor, or if the primary supervisor is not on duty, to the secondary supervisor for review and closure prior to the end of their tour of duty. If either primary or secondary supervisors are not available, the member shall forward the report to the precinct watch commander.
5. The UF-002 form is not considered completed until the member preparing the form and the supervisor reviewing the form has signed the document. The involved member shall ensure that the form is completed before concluding their tour of duty.

Off Duty:

1. Members who become involved in any off-duty incident, while acting in their official capacity, in which there is a use of force, shall immediately notify local law enforcement officers. The DPD's Communications Section must be notified by the member whether the incident occurs inside or outside the corporate limits of the

City of Detroit.

2. Members involved in an off-duty use of force incident anywhere shall immediately notify a supervisor at their command or the supervisor on the front desk, and complete a UF-002 as soon as possible, but no later than their next scheduled return to duty. Off-duty members shall notify on-duty local law enforcement officers, if outside the corporate limits of the City of Detroit, prior to taking police action, absent exigent circumstances, so that on-duty law enforcement officers may respond with appropriate personnel and resources to handle the problem.
3. While off duty and outside the jurisdiction of the City of Detroit, members are reminded that absent a felony committed in the member's presence that presents a grave risk to the public welfare, members are prohibited from taking police action as a representative of the DPD. Members shall keep in mind that they have the same rights as all other citizens when making or attempting to make a "citizen's arrest."

Content of the Use of Force/Detainee Injury Report (UF-002)

1. Each member shall be required to complete a UF-002 whenever there is any use of force. Members will also be required to document on the UF-002, any detainee injury or complaint of injury in the narrative portion of the report.
2. All UF-002 reports shall specify the actions of the subject that necessitated the use of force, why the member used force, specific information regarding the actions of the member, description of any visible injuries, any subject complaints of injury, and whether medical treatment was received or refused.
3. Members are to document whether verbal commands were given and if so, the member shall document the details of the specific commands within the narrative section of the report. Additionally, members shall document all de-escalation options, including summoning backup, that were utilized prior to any use of force (e.g. "show me your hands," "step back," or "stop resisting," etc.) on the report. If no de-escalation options were used, members shall provide an explanation within the narrative section of the report describing why no options were utilized.
4. Members are to document the name of the supervisor who responded to the scene in the narrative section of the report.
5. The narrative section of the report shall be written in first person and all generalizations must be explained in detail.

Additional information regarding reporting content of the UF-002 can be found on the Department's Intranet Forms page, under the UF-002 Use of Force/Detainee Injury Reporting Guide section.

"Acquiring a Target" – Member's Responsibilities

In instances where a member draws a firearm and acquires a target and there are no further uses of force:

- a. The member shall notify a supervisor;
- b. The member shall complete the UF-002 within MAS;
- c. The report shall contain the specific actions by the subject and the circumstances that necessitated the acquiring of a target;
- d. The member shall forward the report to their primary supervisor, or if the

- primary supervisor is not on duty, to the secondary supervisor for review. If either primary or secondary supervisors are not available, the member shall forward the report to the precinct watch commander; and
- e. The UF-002 shall be submitted as soon as possible following the incident but prior to the end of the member's tour of duty.

Transport of Members or Detainees

Transport of Detainee from the Scene

The non-involved responding supervisor shall determine if a non-injured detainee shall be transported by the involved member(s) or if another unit shall convey following a use of force/detainee incident.

Transporting the Detainee for Medical Attention

1. Members using force shall immediately obtain medical assistance for subjects who have sustained injuries, have a detainee injury, or who have a complaint of injury.
2. Generally, non-involved members shall convey detainees injured through police action.
3. When necessary, Emergency Medical Service (EMS) shall be immediately requested to convey and shall determine the appropriate medical facility for treatment.
4. If the detainee is seriously injured, and there are no non-involved members present to convey, members shall immediately convey to a medical facility if EMS is unavailable. No member shall delay rendering medical attention, requesting EMS, or the conveyance of any subject to a medical treatment facility pending the arrival of a supervisor.
5. Arresting and/or transporting members shall ask the detainee if they are injured or ill when the detainee comes into the custody of the member.

Notifications of Injury upon Transfer of Detainee

The arresting member shall notify any other members who may take custody of the detainee (e.g. detention personnel, conveying members, etc.) if force was used on the detainee, or if the detainee has an injury or complaint of injury.

Transporting the Member for Medical Attention

Upon notification that a member has been wounded or seriously injured, Communications Section shall dispatch a supervisor from the precinct of the injured member's command, if possible, to the hospital where the injured member will be conveyed. Upon arrival to the hospital, the supervisor shall act as the initial liaison between hospital and police personnel, and shall coordinate respective emergency procedures as the need arises. The supervisor shall remain at the hospital until the supervisor's presence is no longer required, or until relieved by proper authority. If the injured member is incapacitated/unable to complete the UF-002, the responding supervisor shall complete the report for the member. The supervisor shall indicate in the narrative of the report that the member is injured and the report is for documentation and auditing purposes.

Supervisor's Responsibilities

Supervisor's Response to Scene

1. A non-involved supervisor shall respond to the scene following any use of force/detainee injury.
2. Any use of force that involves a firearm discharge, a visible injury, or a complaint of injury shall be given the highest priority.
3. A non-involved supervisor shall respond to all other uses of force/detainee injuries on a priority basis. For the purpose of this directive, a "priority basis" is defined as the current availability of supervisors and the nature of the situation (e.g. highly charged situations, agitated by-standers, potential for violence, etc.) whereas, response to the scene may increase volatility or be impractical.
4. Upon arrival at the scene the supervisor shall:
 - a. Interview the member(s);
 - b. Canvass for witnesses;
 - c. Interview the subject, examine the subject(s) for injury, and ensure that the subject(s) receives, or has received needed medical attention. No member shall delay rendering medical attention, requesting Emergency Medical Services (EMS) or the conveyance of any subject to a medical treatment facility, pending the arrival of a supervisor;
 - d. If there is no injury, determine who shall transport the subject; and
 - e. Scene Preservation - Supervisors shall secure the scene and any evidence and interview witnesses (category 2 only), consistent with Directive 203.1 (Crime Scene Investigation). In a Category 1 incident, the supervisor shall coordinate witness interviews with Force Investigations.
5. In the event an injured person has been conveyed for medical treatment prior to the supervisor's arrival at the scene, the supervisor shall interview the subject at the medical facility provided the interview will not interfere with the subject's medical treatment or immediately after treatment is received.
6. Any delay in interviewing the member(s), subject(s), or witness(s) shall be explained in the investigation.
7. The responding non-involved supervisor may use the Investigation Checklist spreadsheet to collect all pertinent information regarding the investigation. The Investigation Checklist can be found on the Department's Intranet Forms page, under the Use of Force/Detainee Injury Investigation Guide section.

Supervisor's Immediate Notifications from the Scene

1. Notifications to Force Investigations are only required for Category One (1) types of uses of force, detainee injuries, or allegations of force. Supervisors shall continue to respond to all use of force instances in accordance with Department procedures and continue to make notifications to Notification and Control as required by policy. The supervisor from Notification and Control shall evaluate all instances of force and initiate a notification to Force Investigations for Category One (1) events only. For any instance where it is not clear as to whether an incident is a Category One (1) or Category Two (2), Force Investigations shall be

- contacted to make the determination.
2. Force Investigations shall respond to the scene of, and investigate, all incidents where there is a:
 - a. Death resulting from discharge from a member's firearm, or any death following an altercation with a member of this Department;
 - b. All discharges of firearms (except at the firearms range and at animals);
 - c. The use of chemical spray against a restrained person (Note: Members are prohibited from spraying a handcuffed individual in a police vehicle [Directive 304.3 – 5.1, Chemical Spray Device]);
 - d. Any use of force resulting in broken bones or loss of consciousness, any injury requiring hospitalization (including hospitalization for observation) or a substantial risk of death, serious disfigurement, disability, or impairment of the functioning of any body part or organ, and head strikes with an impact weapon;
 - e. Any incident involving a Taser drive stun;
 - f. Any incident involving a Taser probe strike to a person's head, face, and/or genitals;
 - g. *Any incident involving a 40 MM Launcher with Foam Impact round or Pepperball Tac-SA with Pepperball projectiles to a person's head, face, and/or genitals;*
 - h. Department canine bites;
 - i. Detainee injuries that are of a Category 1 type; and
 - j. Allegations of use of force that are of a category 1 type.
 3. Force Investigations may delegate all other use of force or detainee injury investigations to the supervisor for a command investigation.

All Category 1 Incidents

The first responding non-involved supervisor shall:

- a. Ensure that all involved members have completed a UF-002 and incident report;
- b. Complete an incident report containing the following:
 - Name of the person notified at Force Investigations;
 - Name of the person handling the investigation; and
 - Assessment of the incident (who, what, when, where).
- c. Assist as guided by the investigating authority.

THE RESPONDING COMMAND SUPERVISOR **SHALL NOT COMPLETE A SUPERVISOR INVESTIGATION AND REPORT (SIR) UF-002A FOR A CATEGORY 1 USE OF FORCE/DETAINEE INJURY.**

All Category 2 Incidents

The first responding non-involved supervisor shall:

- a. Ensure that all involved members have completed a UF-002;
- b. Ensure that all involved members have completed an incident report (if applicable);

- c. Document the member's and subject's statements of actions taken and injuries sustained;
- d. Review any video related to the incident;
- e. Order Crime Scene Services (CSS) to respond and photograph the member's and subject's injuries or complaint of injuries, even if they are not visible. If the subject's and/or member's injuries are such that first aid and/or medical treatment is necessary, any photographs taken shall be after such treatment is rendered (at the hospital if conveyed). No photographs shall be taken if there is a chance of complicating existing injuries, doing further harm, or interfering with any medical treatment needed. If photographs are unable to be taken, the reason shall be documented in the "evidence" portion of the SIR. Photographs shall be taken as soon as feasible or if necessary, taken after medical treatment is received;
- f. CSS shall be notified first to respond and photograph the member's and/or subject's injuries. If unavailable, the Department's use of force/detainee injury digital camera shall be used for photographs;
- g. Request the subject's signature on a Medical Release Authorization Form; and
- h. If criminality emerges during the investigation, it shall immediately be reported to Force Investigations between the hours of 7:00 a.m. and 5:00 p.m. Monday - Friday. Notifications after hours, during holidays, and weekends shall be made by contacting Communications Section, to notify the Force Investigations Alert Team and be guided by their direction.

All Category 3 Incidents

The first responding non-involved supervisor shall:

- a. Respond to the scene;
- b. Conduct a canvass;
- c. Interview and visually inspect the subject for injuries and determine if medical attention is needed. If medical attention is needed, the incident does not meet the criteria for a category 3;
- d. Interview the involved member(s);
- e. Interview the witness member(s);
- f. Review any audio/video of the incident and document observations;
- g. Based on the information received from the initial interviews and canvass, determine which category is most applicable - 1, 2, or 3; and
- h. If it is a Category 3, complete the Investigating Supervisor Update Form posted on the DPD Intranet with instructional guide.

All Category 4 Incidents

The first responding non-involved supervisor shall:

- a. Respond to the scene;*
- b. Ensure the involved officers receive a EMS DPD Medical Assist Form from the requesting unit*
- c. Conduct a canvass;*
- d. Interview subject if still on scene upon arrival. If the subject is no longer at scene interview the subject at the hospital in which the subject was transported to ensure the use of force meets the criteria for a category 4;*

- e. Interview the involved member(s);
- f. Interview the witness member(s);
- g. Review any audio/video of the incident and document observations;
- h. If it is a Category 4, complete the Investigating Supervisor Update (should be Updated) Form posted on the DPD Intranet with instructional guide.

Should the actions of the subject/patient warrant an escalation in the use of force by a DPD member resulting in injury or complaint of injury by the subject/patient, the use of force is elevated to a Category 2 (or higher pursuant to the degree of injury) and the proper protocols shall be followed.

DPD's partnership with the DFD/EMS is crucial in providing optimal service to our citizens and visitors. As such, refusal to assist DFD/EMS personnel shall be considered egregious and may result in disciplinary action.

“Acquiring a Target” – Supervisor’s Responsibilities

1. A supervisor is not required to respond to a member’s use of force where a member draws a firearm and acquires a target and there is no further uses(s) of force involved.
2. The primary supervisor, or if the primary supervisor is not on duty, the secondary supervisor shall ensure that the involved member completes a UF-002 form within MAS.
3. All reports/forms completed as a result of the incident shall be reviewed and updated by a supervisor prior to the end of their tour of duty.
4. The form shall be signed by the member and the supervisor.
5. A Supervisor Investigation and Report (UF-002a SIR) shall not be completed when a member acquires a target with their firearm.

Audio/Video Review of “Acquiring of a Target”

Please refer to Training Directive 11-01a, Reporting Documenting the “Acquiring of a Target Audio/Video Review of the Incident” and section 201.11 - 7.4 and 201.11 - 7.5, Audio/Video Review by the Investigating Supervisor, for detailed instructions on the following procedure:

Supervisor’s Responsibilities

On the date of the incident, the member’s designated span of control supervisor shall:

- a. Ensure that the involved member completes a UF-002 form within MAS;
- b. Review all forms completed as a result of the incident, including the completed UF- 002 form within MAS, prior to the end of the member’s tour of duty;
- c. Ensure that the form is signed by both the involved member and the involved member’s supervisor;
- d. Review the audio/video content of the incident and document the review within MAS on the “Other - DPD568_OTHER” form within three (3) days of the reported “acquiring of a target”;
- e. Within MAS, under “Entry & Update” field, click on “New Document” and in the “General” dropdown field select “Other - DPD568_OTHER,” and click the “Fill From” button and:

- Place “Acquiring of a Target - Video Review” on the “Subject” line of the form;
 - Place the UF-002 form# and ID# in the appropriate boxes (e.g. “Related Form#,” etc.);
 - Document the following:
 - What was observed on the video;
 - Indicate whether the audio was functional at the time of the incident;
 - Note any discrepancies that may exist between the audio/video content and the member’s report;
 - Indicate any recommendation for corrective action;
 - If the event was not captured on the in-car video for any reason (i.e. equipment missing, a malfunction, or vehicle/camera out of range of incident), the member’s supervisor shall document this information on the form; and
 - After entering the required information, click the “Submit” button.
- f. The supervisor’s report shall be printed, signed, and forwarded through channels to the member’s commanding officer for review.

Submission of Completed Reports to Civil Rights Division

The completed UF-002 and the “Other - DPD568_OTHER” form shall be forwarded to Civil Rights Division within ten (10) days of the incident. Civil Rights Division is the final review and repository for this document.

Allegations of a Use of Force – Supervisor’s Responsibilities

In all instances where a citizen alleges that force was used, a supervisor shall document the incident on a UF-002 and a Citizen Complaint Report (CCR) (DPD512) within MAS (Please refer to Directive 102.6 - Citizen Complaints). The following procedure shall apply:

- a. The supervisor shall first document the incident on a CCR within MAS;
- b. After documenting the incident, the supervisor shall make a declarative statement in the narrative portion of the form stating that a UF-002 form will also be prepared;
- c. Submit the CCR within MAS to receive the document’s form identification number;
- d. Once the form identification number is received, the supervisor shall complete the UF-002, indicating the above number in the narrative portion of the form; and
- e. Only supervisors shall complete a UF-002 for allegations of force.

The supervisor receiving the complaint shall not recall or request that an involved member’s immediate supervisor return to the command to take the complaint.

Notifications for Allegations of a Use of Force

Force Investigations shall be notified for all allegations of force that are of a Category 1

type by the supervisor receiving the allegation between the hours of 7:00 a.m. and 5:00 p.m. Notifications after hours, during holidays, and weekends shall be made by contacting Communications Section or Notifications and Control.

Authority to Investigate Allegations of Force

No command shall investigate an allegation of force; all allegations of force will be investigated by Force Investigations or the Office of the Chief Investigator (OCI).

Distribution of the Reports for Allegations of a Use of Force

The UF-002 for allegations of force shall be printed out from MAS and forwarded immediately to the following entities with all their related documents:

- a. The original to the OCI; and
- b. A copy to Force investigations.

Supervisor Investigation Report UF-002a (SIR)

Report Submission Timelines

1. The final command use of force investigation shall be completed within thirty (30) days of the incident.
2. Copies of all reports and command investigations shall be sent to Civil Rights Division within seven (7) days of completion of the investigation;
3. All of the following attachments shall be submitted with all completed Use of Force/Detainee Injury investigations:
 - a. A Use of Force/Detainee Injury Report for all members that use force;
 - b. Incident report(s);
 - c. Daily Detail Sheets;
 - d. Photographs (if available, must be addressed);
 - e. Detainee Intake form;
 - f. Medical record(s) (if applicable);
 - g. Video of incident (if available);
 - h. Audio of incident (if available);
 - i. Member(s) involved prior uses(s) of force (member's profile within MAS contains prior uses of force and allegations of misconduct);
 - j. Member(s) involved prior disciplinary history; and
 - k. Any additional relevant documents related to the incident.

All attachments shall be numbered and listed in the SIR report.

Investigation Reporting Requirements for Category 2 Incidents Statements shall be summarized in the interview section. The below listed headings will be used on a Category 2 UF-002a (SIR) only:

- a. Synopsis of the Incident (brief) – Same as outlined in the investigation guide;
- b. Evidence Audio/Video Review – If video and/or audio of the incident does not exist, an explanation must be given. This section shall include photos of the suspect's and/or member's injuries, the same as outlined in the investigation guide;

- c. Interview/Canvass – Summary of the interview only, the question and answer format is not required. The report shall document the results of the canvas conducted to identify all sworn and civilian witnesses;
- d. Issues and Discrepancies – Reference Training Directive 13-01, Proper Documenting of Material Inconsistencies;
- e. Evaluation of Compliance with DPD policies – Same as outlined in the investigation guide with the addition of any policy violations found;
- e. Conclusion – What did the investigation reveal; and
- f. Recommendation – Same as outlined in the investigation guide.

Format of Category 2 UF-002a (SIR)

1. When the command is required to conduct the investigation on a use of force or detainee injury, it shall be conducted and documented consistent with the requirements contained in the Use of Force/Detainee Injury Investigation Guide for a Category 2 or 3 & 4, which is issued by the administrative office of the command and on the Department's Intranet Forms page. The investigating supervisor shall use the format or section heading on the SIR (or attached continuation sheets) to ensure all relevant tasks are complete and all information has been addressed.
2. If any of the foregoing headings are not applicable in a particular investigation, the investigating supervisor shall indicate by typing N/A under the heading. The investigating supervisor shall explain why the heading is not applicable.

Special Events/Details/Secondary Employment/Extended “Assigned-Out” Status Members

Members who are assigned to the above stated events/details shall follow the procedures outlined in Training Directive 12-05, Guidelines for Reporting/Documenting all Use of Force/Detainee Injury Incidents Occurring at Special Events/Details/Secondary Employment/Extended “Assigned-Out” Details. This training directive addresses the responsibilities of members at different assignment statuses within the Department.

Members Dispatched into Other Precincts/Working Overtime

A member who uses force working outside their assigned command shall notify dispatch and a non-involved supervisor shall respond to conduct the preliminary investigation. Five (5) days from the incident the preliminary investigation shall be forwarded to the involved members command for the final investigation to be completed. If multiple officers are involved in the use of force from separate commands the final investigation shall be completed by the member's command that had first contact. A copy of the completed approved SIR will be forwarded to the other involved member's command upon completion.

Audio/Video Review by the Investigating Supervisor

1. Supervisors responding to use of force/detainee injury scenes shall review audio/video evidence from the Body Worn Cameras (BWC) and the scout car at the scene on the Mobile Computer Terminal (MCT), if available, and document their observations.

2. In cases where the scout car is audio/video equipped, the investigating supervisor shall review any audio/video related to the incident and include a declarative statement under the "evidence" category of the SIR documenting:
 - a. Whether audio/video exists for the incident, and if not, why;
 - b. Whether the audio/video was reviewed by the investigating supervisor;
 - c. A detailed description of what the audio/video revealed (only required for a Category 2 investigation); and
 - d. If the audio/video was not captured due to visual obstructions/line of sight issues, give a detailed explanation.
3. Members trained in extracting video shall assist members with downloading video. If an issue arises, a formal request for the audio/video shall be made by Inter-Office Memorandum (DPD568), to Technical Support.
4. Additionally, investigating supervisors shall be required to canvass the area surrounding the incident location for any additional audio/video camera sources (e.g. gas stations, party stores, security cameras, etc.) and document their search and the results of their review, if applicable. Copies of additional audio/video sources shall be included in the investigative file.

Photographs

The investigating supervisor shall make a formal request to CSS to receive copies of photographs taken of the incident. This request shall be made as soon as possible following the member's assignment to the investigation. This request shall be made by phone and by DPD568 to the commanding officer, CSS.

Requirements for Investigative Interviews

1. Whenever practical and appropriate, interviews of complainants and witnesses shall be conducted at sites and times convenient for them, including at their residence or place of business, and be documented in the SIR.
2. No individual shall be conveyed by any DPD member without probable cause to arrest or the individual's consent. A citizen may only be conveyed (e.g. police facility) for the purpose of an interview if the citizen consents to the conveyance, unless extenuating circumstances exist (e.g. the individual has an injury and EMS is not available, the individual and/or Department members are in a hostile environment, etc.). All witness conveyances shall be documented on the Witness Conveyance Consent Form (DPD668).
3. If the subject refuses to cooperate or is otherwise unable to respond to questions, a second attempt shall be made by the investigating supervisor.

Prohibited Investigatory Interview Procedures

The following investigatory interview procedures are prohibited:

- a. The use of leading questions that improperly suggest legal justifications for the members' actions, when such questions are contrary to appropriate law enforcement techniques;
- b. The use of the interviews via written questions when it is contrary to appropriate law enforcement techniques; and

- c. Statements shall not be taken in violation of any member's constitutional rights (Refer to Training Directive 04-4, Garrity Protocol).

Investigatory Report and Evaluation Requirements

All investigatory reports and evaluations require the following:

- a. A precise description of the facts and circumstances of the incident, including the initial stop and seizure, a detailed account of the subject(s), complainant(s), and member(s) actions, and an evaluation of the initial stop or seizure;
- b. A review of all relevant evidence, including circumstantial, direct, and physical evidence;
- c. Reasonable credibility determinations, with no automatic preference given to a member's statement over a non-member's statement. A witness shall not have their statement discounted merely because the witness has some connection to the subject or complainant;
- d. An evaluation of all uses of force, including the member's tactics, and any allegations or evidence of misconduct uncovered during the course of the investigation;
- e. All administrative investigations shall be evaluated based on a preponderance of the evidence standard; and
- f. Any recommended non-disciplinary corrective action, or disciplinary action, shall be documented in writing up to the rank of commander.

Format and Reporting Requirements for Category 3 & 4 Incidents

1. The reporting requirements for Category 3 & 4 uses of force shall be a modified version of the headings used in a Category 2 SIR. The following listed headings will only be used for Category 3 & 4 incidents. Supervisors shall not provide a synopsis for a Category 3 & 4 incident. The below listed headings will be used on a category 3 report utilizing the acronym RIVER:
 - a. Response – Shall indicate all members that were interviewed (do not type a synopsis of the incident);
 - b. Investigation – This section shall contain the following:
 - If a canvass was conducted;
 - If witnesses were identified;
 - Were the statements consistent between individuals interviewed; and
 - If issues and discrepancies are identified, an attempt shall be made to resolve them (reference Training Directive 13-01, Proper Documenting of Material Inconsistencies in the Supervisor Investigation and Report).
 - c. If a witness observed something contrary to the member's and/or suspect's statement, the supervisor shall document the witnesses:
 - Name;
 - Address;
 - Date of birth; and
 - Phone number

- d. Video - All video and audio shall be reviewed:
- Indicate if the video and audio evidence confirms the version of events or are contradictory;
 - The investigating supervisor shall not complete a video/audio review as in the Category 2 use of force; and
 - If there is no video or audio available, the reason shall be documented.
- e. Evidence – Any pertinent information that can be used to establish the validity of the statements or incident, such as independent video (i.e. cell phone video); and
- f. Recommendation – After conducting a thorough and complete investigation whether the force was deemed appropriate, recommend ~~due~~ ; and/or
- Policy violations shall be documented in this section.
 - Recommend any non-disciplinary corrective action.
 - If disciplinary action is warranted, recommend an Investigation and Report in this section.
2. The Category 3 & 4 Use of Force Guide is issued by the administrative office of each command and is available on the Department's Intranet "Forms" page. Category 3 investigations shall be completed within (15) days of the incident. The completed report, with signatures, shall be delivered to Civil Rights Division, with all applicable attachments, within seven (7) days of the closure of the report. Extension requests shall follow existing protocols.
3. *Extension requests are considered written documentation of the basis for extending the deadline of a report, and shall be submitted and approved by the commanding officer who has jurisdiction over the investigation. The request must be requested prior to the expiration of the original due date. An extension shall not be granted due to the fact the investigating supervisor is on furlough or based on workload. In instances where there are problems with investigating supervisors furlough or workload the investigation should be reassigned. All extension requests must be forwarded to the Civil Rights Division on the date of approval.*

Requirements for Review

Review of all investigations shall require the following:

- a. Investigations shall be reviewed by the chain of command above the investigating supervisor;
- b. The reviewing supervisor shall identify any deficiencies in the investigation, and require that the due date is met;
- c. The reviewing supervisor shall recommend and the final reviewing authority shall refer any incident with training, policy, or procedural implications to the appropriate

- d. DPD entity;
- e. The appropriate non-disciplinary corrective action (verbal counseling, additional training, etc.) and/or disciplinary action shall be recommended by any member of the reviewing chain of command when an investigator and/or reviewing supervisor fails to comply with this directive or DPD policies or procedures; and
- f. A written explanation by any supervisor, including the Chief of Police, who disagrees with a finding, or departs from a recommended non-disciplinary corrective action or disciplinary action, including the basis for departure.

Force Investigations Reporting Requirements

Report Submission by Force Investigations

1. Investigations are to be completed within sixty (60) days of the incident.
2. Allegations of force are to be completed within ninety (90) days of the incident.
3. Critical firearms discharges and in-custody deaths shall be completed within sixty (60) days of the incident. If a Garrity statement becomes necessary, the investigation may be deferred until thirty (30) days from the declination or conclusion of any criminal prosecution.

Recording of Statements

All Force Investigations statements shall be audio recorded.

Updates to the Department Manual are forthcoming.

JAMES E. WHITE
Chief of Police