



DEPARTMENT REVIEW OF USE OF FORCE



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I. PURPOSE

This directive:

- A. continues the:
 1. reportable use of force review process at the district level.
 2. Tactical Review and Evaluation Division and delineates its responsibilities for the review of reportable uses of force incidents.
 3. Force Review Board and delineates its responsibilities for the review of reportable uses of force incidents.
 4. review authority and responsibilities based upon the levels of reportable force as defined in G03-02-02, "Incidents Requiring the Completion of a Tactical Response Report."
- B. discontinues the use of the Tactical Response Report - Review (TRR-R) form (CPD-11.377-R).
- C. replaces the TRR-R with the Incident Debriefing Report (IDR) as part of the CLEARNET: Tactical Response Report (TRR) application to record the documentation of reviews conducted by the Tactical Review and Evaluation Division, the required individual follow-up actions conducted by units, and finalize the TRR.

II. COPA AUTHORITY

- A. For any reportable use of force incident subject to an ongoing investigation by the Civilian Office of Police Accountability (COPA), COPA will be exclusively responsible for recommending disciplinary action relating to the incident.
- B. Nothing within this policy or the law prevents the Department from conducting an internal review of use of force incidents to address Department policy, training, tactical, and equipment considerations.

III. DISTRICT LEVEL REVIEW

Consistent with G03-02-02, "Incidents Requiring the Completion of a Tactical Response Report," the district of occurrence supervisor assigned the responsibility for the investigation of a reportable use of force incident will:

- A. continue to conduct investigations into reported use of force incidents.
- B. review Tactical Response Reports (TRR) and complete a Tactical Response Report-Investigation (TRR-I), documenting the investigatory information, for all reported use of force incidents, regardless of any required after-action review.
- C. identify and adequately address any performance that is exceptional or that may be improved through corrective actions, including training or other nondisciplinary methods.

1. When determining any recommended after-action support for Department members or supervisors, the investigating supervisor will access the "TRR Debriefing Point Dashboard" to identify and review any previous use-of-force-related debriefing points for the involved members.
2. The "TRR Debriefing Point Dashboard" is accessible from The Wire via the Tableau Server Environment.

IV. REVIEWS BY THE TACTICAL REVIEW AND EVALUATION DIVISION (TRED)

A. TRED is operational under the authority of a Commander and functions in an after-action-review capacity for:

1. a representative sample of Level 1 reportable uses of force as defined in G03-02-02, "Incidents Requiring the Completion of a Tactical Response Report."

Level 1 reportable use of force is the use of any force by a Department member to overcome the active resistance of a person, as outlined below, that does not rise to a Level 2 or Level 3 reportable use of force. Level 1 uses of force include force that is reasonably expected to cause pain or injury, but does not result in injury or complaint of injury. Level 1 reportable uses of force include the use of:

- a. pressure point compliance and joint manipulation techniques in response to active resistance of a person that do not result in an injury or complaint of injury;
- b. wristlocks, armbars, and other firm grips in response to active resistance of a person that do not result in an injury or complaint of injury; and
- c. any leg sweep, takedown, stunning technique, or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that does not result in an injury or complaint of injury.

2. all Level 2 reportable uses of force as defined in G03-02-02, "Incidents Requiring the Completion of a Tactical Response Report."

Level 2 reportable use of force is the use of any force by a Department member that includes use of a less-lethal weapon or that causes an injury or results in a complaint of injury, but does not rise to a Level 3 reportable use of force. Level 2 reportable uses of force include the use of:

- a. reportable force against a person who is fully restrained and controlled (e.g., both hands secured together) with handcuffs or other restraining devices (e.g., flexible restraining devices);
- b. impact weapons strikes (baton, asp, or other impact weapon) to the body other than the head or neck;
- c. any leg sweep, takedown, stunning technique, or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that results in an injury or complaint of injury.
- d. OC spray or other chemical weapons;
- e. a Taser;
- f. impact munitions;
- g. canines as a force option;
- h. a Long Range Acoustic Device (LRAD) acoustic transmission to cause discomfort as a compliance technique; and

- i. an unintentional firearm discharge or a firearm discharge solely to destroy/deter an animal that did not involve a firearm discharged at a person and did not result in injury to any person.
 - 3. any Level 1 or Level 2 reportable use of force associated with a foot pursuit.
 - 4. other incidents as determined by the Superintendent.
 - B. The reviewing TRED member will:
 - 1. review documentation and information collected regarding incidents consistent with Item IV-A of this directive, and
 - a. ensure Department members, including supervisors, complied with proper reporting procedures, including completely and thoroughly reporting:
 - (1) the reason for the initial stop, arrest, or other enforcement action;
 - (2) the type and amount of force used;
 - (3) the person's actions or other circumstances necessitating the force used; and
 - (4) all efforts to de-escalate the situation.
 - b. ensure the district-level supervisory review, investigation, and policy compliance determinations regarding the incident were thorough, complete, objective, and consistent with Department policy.
 - c. ensure any tactical, equipment, or policy concerns are identified, including the use of de-escalation techniques to prevent or reduce the need for force.
 - d. evaluate whether or not each reviewed incident was tactically sound.
 - e. if applicable, recommend additional training or policy review for the involved members, reviewing supervisors, or investigating supervisors via the CLEARNET: Tactical Response Report (TRR) application.
 - NOTE:** When determining any recommended after-action support for the involved members, the reviewing TRED member will access the "TRR Debriefing Point Dashboard" to identify and review any previous use-of-force-related debriefing points for the involved members.
 - EXCEPTION:** TRED will not review use of force incidents for the purposes of making a determination about the specific conduct related to a Log Number, except for incidents where a Log Number was obtained as a matter of policy for an unintentional firearm discharge, a firearm discharge incident for the destruction/deterrence of an animal, a Taser discharge, or an OC/chemical weapon discharge.
 - 2. if applicable, identify any patterns, trends, or emerging concerns relative to the reviewed use of force incidents and recommend specific modifications to existing policy, procedures, training, tactics, or equipment in an effort to minimize the:
 - a. occurrences of use of force incidents;
 - b. force needed in use of force incidents;
 - c. number and severity of injuries that result from use of force incidents; and
 - d. inherent risks involved in use of force incidents.
- C. The Commander, TRED, will:

1. ensure the appropriate procedures are followed, consistent with G08-01, "Complaint and Disciplinary System." when an obvious policy violation requiring discipline is observed during a use of force incident review, and a Log Number has not been obtained at the district level.
2. ensure the member's unit commanding officer or the Training Division are notified, via email, when individual follow-up actions are required pursuant to the review of a TRR.
3. forward any recommended Department-wide actions (e.g., training and policy recommendations) to the appropriate unit responsible for the implementation.
4. review the status of the required individual follow-up actions and any recommended Department-wide actions to ensure the appropriate implementation by the appropriate units.

NOTE: Required individual follow-up actions to be taken at the unit level will be implemented within fourteen days unless the affected member is on furlough, medical, or injury on duty status. Required individual follow-up actions to be taken by the Training Division will be implemented within thirty days.

5. forward a report on a monthly basis to the appropriate Office or Bureau Chief listing any overdue recommended actions by personnel under their command.
 6. ensure all reports are maintained consistent with existing records-retention requirements.
- D. Unit commanding officers receiving a notification from TRED requiring an individual follow-up action for a Department member will designate a unit supervisor the rank of lieutenant or above to assign a unit supervisor to implement the individual follow-up actions.

1. The required individual follow-up actions will be implemented within fourteen days unless the affected member is on furlough, medical, or injury on duty status.

EXCEPTION: Required individual follow-up actions taken by the Training Division will be implemented within thirty days.

2. The assigned unit supervisor will:
 - a. implement the individual follow-up action consistent with existing procedures and the appropriate collective bargaining agreement.
 - b. document the implementation and completion of the individual follow-up action in the CLEARNET: Tactical Response Report (TRR) application.
 - (1) Any documentation recording the implementation of the individual follow-up action will be limited to the actions conducted and will not include any documentation or summary of the use of force incident, investigation, or after-action review.
 - (2) Any individual follow-up action implemented and completed by the Training Division will be documented in the CLEARNET: Tactical Response Report (TRR) application by a Training Division supervisor.
 - c. submit the completed documentation of the follow-up actions in the CLEARNET: Tactical Response Report (TRR) application to the designated unit supervisor the rank of lieutenant or above.
3. The designated unit supervisor the rank of lieutenant or above will review the submitted documentation of the follow-up actions in the CLEARNET: Tactical Response Report (TRR) application and, if appropriate, approve the report to finalize the TRR.
4. The unit commanding officer will ensure the TRED is notified if required individual follow-up actions are unable to be completed or there is a delay in implementation.

- E. Unit commanding officers receiving a unit-level or Department-wide recommendation from TRED will ensure:
1. the recommendation is appropriately implemented consistent with existing procedures.
 2. an initial response to the recommendation is submitted to TRED within fourteen days of receiving the recommendation.
 3. TRED is notified of the status of the recommendation, including when it is implemented.
- F. On a quarterly basis, the Commander, TRED, will submit a written report through the chain of command to the Executive Director, Office of Constitutional Policing and Reform, of the division's findings, analysis, recommended actions, and the status of implementations.

V. REVIEWS BY THE FORCE REVIEW BOARD

- A. The Force Review Board (FRB) consists of the following members:
1. Superintendent, or an authorized designee, who will serve as the chairperson;
 2. First Deputy Superintendent or an authorized designee the rank of deputy chief;
 3. Executive Director, Office of Constitutional Policing and Reform, or an authorized designee the rank of deputy chief;
 4. Chief, Bureau of Patrol, or an authorized designee the rank of deputy chief;
 5. Chief, Bureau of Internal Affairs, or an authorized designee the rank of deputy chief;
 6. Chief, Office of Constitutional Policing and Reform, or an authorized designee;
 7. Deputy Chief, Training and Support Group, or an authorized designee;
 8. General Counsel to the Superintendent, or an authorized designee; and
 9. Other members designated by the Superintendent at the rank of deputy chief or above.

NOTE: The Commander, TRED, will serve as secretary to the Force Review Board.

- B. The Force Review Board will convene only when a quorum is present, which will include, at minimum:
1. the Superintendent, or in the Superintendent's absence, the First Deputy Superintendent who will assume the role of chairperson;
 2. Chief, Bureau of Patrol, or an authorized designee the rank of deputy chief;
 3. Deputy Chief, Training and Support Group, or an authorized designee;
 4. Chief, Office of Constitutional Policing and Reform, or an authorized designee; and
 5. one other Force Review Board member.
- C. The Force Review Board is responsible for reviewing:
1. Level 3 reportable uses of force as defined in G03-02-02, "[Incidents Requiring the Completion of a Tactical Response Report](#)."
Level 3 reportable use of force is when a Department member does any of the following:
 - a. uses any force that constitutes deadly force, including:
 - (1) discharging a firearm.

EXCEPTION: The FRB will not be responsible for reviewing unintentional firearm discharges or a firearm discharges solely to destroy/ deter an animal that did not involve a firearm discharged at a person and did not result in injury to any person.

- (2) using an impact weapon to intentionally strike a person's head or neck.
 - (3) the application of a chokehold (applying any direct pressure to the throat, windpipe, or airway of another).
 - (4) the application of carotid artery restraints (techniques that compress the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries).
 - (5) the application of other restraint above the shoulders with risk of positional asphyxiation (use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person).
- b. uses any force that causes injury to any person resulting in admission to a hospital.
 - c. uses any force that causes the death of any person.
2. all use of force incidents by an exempt member that results in the completion of a TRR.
 3. other incidents as determined by the Superintendent.
- D. The Force Review Board review of incidents outlined in V-C of this directive will:
1. be conducted promptly, but within 96 hours after the incident occurs.
 2. for firearm discharge incidents or uses of force that cause the death of any person, contain an incident briefing of the facts and review of the incident by the Commander, Investigative Response Team, or an authorized designee, and any other appropriate Department members designated by the Superintendent.
 3. for all other Level 3 reportable uses of force, contain an incident briefing of the facts and review of the incident by the Chief, Office of Constitutional Policing and Reform, or an authorized designee, and any other appropriate Department members designated by the Superintendent.
 4. evaluate if the actions of Department members during the incident were tactically sound and consistent with Department training.
 5. if applicable, identify specific modifications to existing policy, training, tactics, or equipment that could minimize the risk of deadly force incidents occurring and the risk of harm to officers and the public.
- NOTE:** A representative(s) from the Civilian Office of Police Accountability (COPA) will be invited to the incident briefing. Upon the completion of the incident briefing, the COPA representative(s) will be excused from the continued FRB review of the incident. The Force Review Board will not conduct a disciplinary review of any incident investigated by COPA.
- E. Within thirty days after the review of an incident, the Force Review Board (FRB) will issue recommendations, if appropriate, to the Superintendent, or an authorized designee, regarding any need for additional training or modifications to policies, tactics, equipment, or Department practices
- F. Upon review and approval by the Superintendent, or an authorized designee, the FRB will assign each approved recommendation to the appropriate exempt command staff member for prompt implementation.

- G. Upon the conclusion of a Force Review Board review of incident, the Commander, TRED, will ensure:
1. recommended training for involved members is coordinated with the Training Division.
 2. the appropriate procedures are followed, consistent with G08-01, "Complaint and Disciplinary System." when an obvious policy violation requiring discipline is observed during a use of force incident review, and a Log Number has not been obtained at the district level.
 3. the review by the Force Review Board is documented on the Incident Debriefing Report (IDR) within thirty days of the review of incident.
 4. a report detailing the status of any recommendations of the Force Review Board is submitted to the Superintendent or an authorized designee.
 5. additional evidence obtained after 96 hours of the incident is reviewed to identify tactical training opportunities, clerical errors, and potential Department improvements and the Executive Director, Office of Constitutional Policing and Reform, is notified, in writing, of the additional evidence and review.
- H. Unit commanding officers receiving a unit-level or Department-wide recommendation from the Force Review Board will ensure:
1. the recommendation is appropriately implemented consistent with existing procedures.
 2. an initial response to the recommendation is submitted to TRED within fourteen days of receiving the recommendation.
 3. TRED is notified of the status of the recommendation, including when it is implemented.

(Items indicated by italics/double underline have been added or revised)

Fred L. Waller
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