

246.03 Reportable Response to Resistance or Aggression / Officer & Supervisor Responsibilities

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I. REPORTABLE RESPONSES TO RESISTANCE OR AGGRESSION

All responses to resistance or aggression beyond compliant handcuffing or one of the exceptions listed in section D of this policy must be reported by the involved officer in an incident report and a use-of-force report. Reportable responses to resistance or aggression include, but are not limited to:

- A. Empty hand tactics (resistive handcuffing, takedowns, strikes, kicks)
- B. EZ leg restraint
- C. ASR spray
- D. ECD (spark display, drive stun and probe deployment)
- E. Baton/impact tool (jabs, strikes)
- F. Firearm display (pointed at a subject)
- G. Canine apprehension
- H. Discharge of a specialty weapon or munition (including LLIMs and PepperBall)
- I. Use of force with a vehicle
- J. Use of force with a firearm

Note: In addition to the use-of-force report other reports may be required depending on the force application (e.g., vehicle pursuit).

II. INVESTIGATIONS AND REPORTING

- A. **Department Responsibilities.** The department reviews or investigates all reportable responses to resistance or aggression to determine whether the action complies with department policy, as well as to address any identifiable training needs.
- B. **Officers Responsibilities:** Officers involved in reportable responses to resistance or aggression will immediately notify their supervisor or, if unavailable, another on-duty supervisor, and complete a use-of-force report prior to the end of shift (exceptions must be approved by a supervisor). The report should describe the officer's response to an individual's resistance or aggression. This documentation should also include body worn camera video, in car camera video, audio, third-party video, other media and other sources of available information that will contribute to the review of the incident. Because incidents are documented by body worn camera, officers should not attempt to photograph subjects to document a use of force.

Electronic media will be stored in the media vault or other designated area; it should not be downloaded or attached to a use-of-force report. Additionally, any other action that results or is alleged to have resulted in harm to another must be documented (including automobile accidents). Reports must be written and submitted to the on-duty supervisor and accepted prior to end of the officer's shift.

- C. **Supervisors Responsibilities:** Supervisors must be notified of each incident in which a reportable response to resistance or aggression is used above compliant handcuffing. A supervisor's response to the scene is required for any response to resistance or aggression **above** soft empty hand control tactics or if the subject has a visible sign of injury or complaint of injury.

The supervisor will conduct a preliminary investigation with the purpose of ensuring all of the requirements of a use-of-force report and initial investigative steps are completed.

When a supervisor's response is required they will document the following information in a supplemental report:

1. Date, time, and nature of the call.
2. Visible injuries or complaints of injuries, from any party at the scene.
3. Actions taken to address those injuries (e.g., "Called for SPFD medics to respond...")

The supervisor will notify the Watch Commander or in their absence, appropriate district commander, to ensure the incident is communicated.

Because incidents are now documented by body worn camera, officers and supervisors are no longer expected to take photographs of subjects following a use of force incident. However, supervisors have discretion to photograph subjects to document a use of force in the following circumstances:

1. The subject is not evaluated by medics or other medical personnel,
2. The incident and condition of the subject are not documented by body worn camera, or
3. Other circumstances exist where in the judgment of the supervisor impact sites or areas of known or claimed injury should be documented.

- D. A use-of-force report is not required when no injury or complaint of injury occurs as a result of:
1. Low Profile Pat Down/High Profile Pat Down/Arm Lock/Standing Search,
 2. Routine Handcuffing,
 3. High-risk Handcuffing (Front and Rear),
 4. Firearm or other department authorized weapon held at low ready position,
 5. Accidental Police Canine Physical Contact (see G.O. 462.00 for other requirements),
 6. Display of a specialty weapon where there is no launch of a munition (LLIMS, PepperBall),
 7. ECD display only.