



The Briefing Board

Number 24-25

April 8, 2024

IMMEDIATE POLICY CHANGE **CP-1, USE OF FORCE**

Employees are **required** to read the Office Policy below to ensure they are familiar with the changes that have been made. All Employees are **required** to log into [TheHUB](#), to review and acknowledge an understanding of the Office Policy within **30 days**.

Employees are reminded that *The Briefing Board* has the same force and effect as Office Policy. Division commanders shall ensure that employees have access to a copy of this *Briefing Board* announcement. Policy changes should be discussed during shift briefings, as specified in [Office Policy GB-2, Command Responsibility](#).

CP-1, USE OF FORCE

Effective April 9, 2024, Office Policy CP-1, *Use of Force*, is revised as follows (Changes indicated in ~~strike through~~ and **UPPER-CASE BOLD UNDERLINED** text):

11. **Documenting Use of Force:**

H. Routing and reviewing Use of Force Blue Team entries:

1. **Sworn:** A Use of Force entry shall be completed in Blue Team.
 - b. Once the Use of Force Blue Team entry has been completed, it shall be forwarded to the employee's supervisor within **SEVEN** calendar days of the incident, absent exigent circumstances. If applicable, the authoring employee is required to include any relevant information pertinent to the incident in the summary of their Blue Team entry that was known to them, prior to, during, or after the use of force incident that is not captured in the IR, such as, but not limited to:
 - c. Supervisors shall complete a review the Use of Force Blue Team entry within **SEVEN 14** calendar days of receiving the entry. The review shall consist of reviewing video footage, if available, and all forms for accuracy, brevity and completeness to include all required and applicable fields are completed, and boilerplate or conclusory language. The supervisor shall also review for inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.
- (2) Supervisors shall forward the Use of Force Blue entry to their shift commander within **SEVEN 14** calendar days of receiving the entry.

- d. Shift commanders shall review, approve, and forward the Use of Force Blue Team entry to the division commander within ~~seven~~ **14 calendar days** of receiving the entry.
 - e. Division commanders shall review, approve, and forward the Use of Force Blue Team entry, to the EIU in Blue Team within ~~45~~ **60 calendar days** of the incident. If their review is not completed and forwarded to the EIU within ~~45~~ **60 calendar days** of the incident, the division commander shall detail the reason for the delay in the comments/response field of the Blue Team entry upon completion. Any delay expected beyond **60 calendar days** of the incident shall require a memorandum submitted to the respective bureau chief detailing the reasons for delay and the amount of additional time requested to complete their review.
2. **Detention:** A Use of Force entry shall be completed in Blue Team.
- c. Once the Use of Force Blue Team entry has been completed, it shall be forwarded to the employee's supervisor within ~~five~~ **SEVEN calendar days** of the incident, absent exigent circumstances. If applicable, the authoring employee is required to include any relevant information pertinent to the incident in the summary of their Blue Team entry that was known to them, prior to, during, or after the use of force incident that is not captured in the IR, such as, but not limited to:
 - d. Supervisors shall complete a review the Use of Force Blue Team entry within ~~seven~~ **14 calendar days** of receiving the entry. The review shall consist of reviewing video footage, if available and all forms for accuracy, brevity and completeness, to include ensuring all required and applicable fields are completed, and boilerplate or conclusory language. The supervisor shall also review for inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.
 - (2) Supervisors shall forward the Use of Force Blue Team entry to their shift commander within ~~seven~~ **14 calendar days** of receiving the entry.
 - e. Shift commanders shall review, approve, and forward the Use of Force Blue Team entry to the division commander within ~~seven~~ **14 calendar days** of receiving the entry.
 - f. Division commanders shall review, approve, and forward the Use of Force Blue Team entry, to the EIU in Blue Team within ~~45~~ **60 calendar days** of the incident. If their review is not completed and forwarded to the EIU within ~~45~~ **60 calendar days** of the incident, the division commander shall detail the reason for the delay in the comment/response field of the Blue Team entry. Any delay expected beyond **60 calendar days** of the incident shall require a memorandum submitted to the respective bureau chief detailing the reasons for delay and the amount of additional time requested to complete their review.

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject USE OF FORCE	Policy Number CP-1
		Effective Date 03-31-22
Related Information CP-4, <i>Emergency and Pursuit Driving</i> GC-22, <i>Critical Incident Stress Management Program</i> GE-3, <i>Property Management and Evidence Control</i> GF-5, <i>Incident Report Guidelines</i> GH-2, <i>Internal Investigations</i> GH-5, <i>Early Identification System</i> GJ-23, <i>Firearms</i> GJ-25, <i>Canine Unit Operations</i> GJ-30, <i>TASER Conducted Energy Weapon (CEW)</i> GJ-31, <i>Pepperball Launcher</i> GJ-36, <i>Use of Digital Recording Devices (Non Body-Worn Cameras)</i>		Supersedes CP-1 (01-22-21)

PURPOSE

The purpose of this Office Policy is to provide employees with guidelines and procedures on the de-escalation techniques, authorized use of force or control that objectively reasonable employees would apply in the performance of their lawful duties, and to provide intervention and reporting methods when the use of force used may be considered excessive.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to value and preserve human life in the performance of its duties, and to ensure trained employees only use the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the employee and others. Employees shall use force only when no reasonably effective alternative appears to exist and shall use only the amount of force which a reasonably prudent employee would use under the same or similar circumstance.

The Office further requires employees to take immediate intervention action if the amount of force used by another employee is observed to be excessive and it is reasonably safe and practical to do so, and requires employees to report such conduct, as specified in this Office Policy.

DEFINITIONS

Active Aggression: Physical actions of assault, such as a subject displaying threatening behavior, assaulting or attempting to assault another person, or destroying or attempting to destroy property.

Active Resistance: Physical actions which attempt to prevent an employee's control, but never attempts to harm the employee, such as a subject tightening up or attempting to pull away.

Aggravated Active Aggression: Physical actions which may result in a lethal-force encounter.

Blue Team: The Early Identification System (EIS) application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from Blue Team is transferred to the IA Pro Early Identification case management system.

De-escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, verbal direction, warnings, verbal persuasion, and tactical repositioning.

De-escalation Techniques: Tactics and techniques used by employees, consistent with their training and experience, when reasonably safe and practical to do so without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Detention Planned Use of Force: An incident involving an inmate who is not posing an immediate threat to officers, detention support personnel, themselves, or other inmates, where force must be used to protect the inmate involved or to allow Correctional Health Services (CHS) personnel to administer involuntary psychotropic medications.

Detention Use of Force Committee Chairperson: A person designated by the Detention Use of Force Review Committee, normally a lieutenant or above, that is responsible for the routing of the Detention Use of Force Review Committee findings.

Early Identification System (EIS): A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, IAPro, and EIPro are applications of EIS.

Early Intervention Unit (EIU): The EIU is part of the Bureau of Internal Oversight. The EIU is responsible for the implementation, maintenance, and operation of the EIS and for providing training and assistance to the EIS users. The unit conducts data analysis, data input, and review of activities exceeding thresholds to address potentially problematic conduct or operating procedures and recognizes positive attributes by reviewing employee awards. The Office shall ensure there is sufficient personnel to facilitate EIS input and training.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Exigent Circumstances: For the purpose of this Office Policy, the sum of the conditions and information available that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm or preserving the life of an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Imminent: About to take place. In relation to the use of force, the rationale is that employees should not have to actually be struck before defending themselves. But "imminent" sets a higher standard than being apprehensive in a hostile situation. It requires the perception of both the intent to immediately strike and the ability to carry it out. The employee must be able to articulate the factors that led to that conclusion.

Intermediate/Less-Lethal Force: Any use of force other than that which is considered Lethal Force that involves physical or non-physical effort to control, restrain, or overcome the resistance of another and to protect the employee and others from serious physical harm.

Intermediate/Less-Lethal Weapon: A weapon with force that has a probability of causing injury, but is unlikely to result in death, when used properly. These weapons include but are not limited to impact weapons, chemical agents, and electronic disruption devices.

Lethal Force: Action that is likely to cause death or serious physical injury.

Objectively Reasonable/Reasonable: The determination that the necessity to take action and the type of action used is based upon the employee's evaluation of the situation in light of the facts and the circumstances confronting the employee, at the time the action is used and upon what a reasonably prudent employee would use under the same or similar situation.

Passive Resistance: Physical actions that do not prevent an employee's attempt of control, such as a protester going limp and having to be carried away or an inmate not following verbal commands.

Pointing of a Firearm: For the purpose of this Office Policy, the pointing of a firearm in the direction of a person. Drawing from the holster, a slung long gun, or displaying a firearm at the low ready does not constitute a pointing of a firearm incident. Intermediate weapons are not designated as a firearm as they are considered less lethal force.

Pursuit Immobilization Technique (PIT): Physical vehicle-to-vehicle contact initiated by the operator of the pursuing vehicle against the suspect vehicle for the purpose of causing it to deviate from its intended direction of travel, thereby terminating the suspect's flight.

Restraints: Devices used to control and restrict the physical movement of a prisoner or inmate.

Serious Physical Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

Sworn Use of Force Committee Chairperson: A designated person selected by the Sheriff or designee, normally a sworn deputy chief, responsible for managing the committees review meetings and will serve as the pivotal factor in all equally parted matters.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

PROCEDURES

1. **Completion of Approved Training:** All employees must successfully complete approved training before deploying any of the authorized weapons, equipment, or techniques approved by the Office. Guidelines for the use and deployment of weapons, equipment, and techniques are taught during training and should be followed. All required certifications and re-certifications shall be obtained, as specified in this Office Policy.
2. **Intervention and Reporting Excessive Use of Force:** Employees observing use of force techniques on a subject beyond what is permissible by Office Policy, state or federal law, are required to take immediate intervention action, when reasonably safe and practical to prevent further harm from occurring. Employees should consider the circumstances surrounding the incident to determine the appropriate form of

intervention. Intervention may be verbal and/or physical depending on the urgency of the situation. If intervention is necessary, employees may take the following action:

- A. If verbal interventions are not sufficient to stop or prevent the act, the involved employee should be immediately removed from contact with the subject and the employee who intervened shall take command of the scene, unless exigent circumstances make it unsafe or impractical to do so.
 1. Verbal intervention may include redirecting the employee's actions to prevent escalation or to correct a force technique applied in order to avoid an act of misconduct.
 2. Physical intervention may include the intervening employee physically redirecting the involved employee's tactical positioning or placement of force technique, or physically intervening, separating the employee from physical contact with the subject by coming between the involved employee and the subject when reasonably safe and practical to do so while preserving officer safety and maintaining a tactical advantage over the subject.
 - B. If the involved employee is receptive to the intervention and misconduct is **avoided**, there is no reporting requirement. If the employee is not receptive to the intervention and misconduct **occurs**, the reporting employee shall immediately contact a supervisor to respond to the scene.
 - C. Employees shall report all allegations of excessive use of force, as specified in Office Policy GH-2, *Internal Investigations*. When observing or reporting force used by an employee that appears to be beyond the amount of force that is objectively reasonable and necessary to address the situation, each employee, to include the supervisor receiving the report of excessive use of force, should take into account the totality of the circumstances and the possibility that other employees may have additional information regarding the threat posed by the subject.
 - D. Retaliating against any person who reports or investigates alleged misconduct shall be considered serious misconduct and shall result in disciplinary action, up to and including dismissal from employment, as specified in Office Policy CP-11, *Anti-Retaliation*.
3. **Medical Treatment:** Following a use of force incident, and once it is reasonably safe to do so, employees shall determine if an individual has sustained any injury as a result of the use of force. An injury would include any person who exhibits signs of physical distress, has sustained a visible injury, expressed a complaint of injury or continuing pain, or was rendered unconscious.
 - A. Employees shall obtain appropriate medical treatment and shall immediately administer medical treatment commensurate with the employees' training and certification when reasonably safe and necessary. Except as otherwise provided by statute, employees shall not be held liable for injuries caused by the act or omission of another person. However, employees are not exonerated from liability for injury proximately caused by their own negligence or wrongful act or omission.
 - B. Employees shall avoid placing individuals on their stomachs for an extended period of time, while waiting for medical personnel to respond, as this could impair their ability to breathe. Subjects may be placed on their back, side or sitting position, if having the subject in a standing position is not reasonably safe or practical to do so.
 - C. Individuals exhibiting signs of physical distress shall be monitored until they can be medically assessed.
 4. **Considerations in Use of Force:** The reasonableness of a particular use of force or control will be determined by the circumstances known to the employee at the time of the incident.

- A. Sworn Considerations: The decision to use force should balance the need to apprehend or control the subject against the intrusion or impact of the capture. Employees shall only use the amount of force that is objectively reasonable and necessary to address the situation. When it is objectively reasonable that a subject is securely restrained, no longer posing a threat, and/or under control of a deputy, no further use of force shall be used, except that which is necessary to maintain restraint and/or control. Factors to be considered when deciding to use force include, but are not limited to, the following:
1. The immediate threat to the employee or others;
 2. A subject who is resisting arrest or attempting to evade arrest by flight;
 3. A situation that is tense, uncertain, or rapidly evolving;
 4. The severity of the crime; and
 5. The type of de-escalation techniques available, and the effectiveness of the de-escalation techniques utilized.
- B. Detention Considerations: The decision to use force should balance the need to preserve internal order and discipline within the jail facility and the need to maintain institutional security; and the need to maintain inmate and officer safety while outside of a jail facility and during other detention operations outside of a jail facility. Employees shall only use the amount of force that is objectively reasonable and necessary to address the situation. When it is objectively reasonable that a subject is securely restrained, no longer posing a threat, and/or under control of a detention officer, no further use of force shall be used, except that which is necessary to maintain restraint and/or control. Factors to be considered when deciding to use force include, but are not limited to, the following:
1. The threat as perceived by an objectively reasonable employee;
 2. The extent of the threat to the safety of employees and inmates, as reasonably believed by the employee based on the known facts;
 3. The relationship between the need and the amount of force used;
 4. When the force is applied, the amount of injury that it may cause the inmate and other involved parties;
 5. The severity of the determined threat to security;
 6. The type of active resistance displayed by the inmate; and
 7. The type of de-escalation techniques available, and the effectiveness of the de-escalation techniques utilized.
- C. Detention Planned Use of Force: Employees shall consult with Correctional Health Services (CHS) mental health personnel prior to any detention planned use of force incident within a detention facility.

1. Consultation shall include all inmates regardless of their classification status, including those inmates that have been designated by CHS mental health staff as Seriously Mentally Ill (SMI) or Mental Health Chronic Care (MHCC).
 - a. If following the consultation, mental health personnel or CHS personnel are present prior to the planned use of force, they may be permitted to speak to the inmate in an effort to de-escalate the situation, if it is reasonably safe to do so.
 - b. If following the consultation, mental health personnel or CHS personnel are not present and elect to speak to the inmate in effort to de-escalate the situation, and the circumstances surrounding the inmate's behavior changes requiring immediate action to prevent the inmate from harming themselves or others, while waiting on mental health or CHS personnel to respond, detention personnel may use the amount of reasonable force or tactics necessary to address the situation.
 - c. All detention planned use of force incidents should be video recorded with a digital recording device, when reasonably safe and practical to do so. The use of a digital recording device shall be documented in all IR's and the video recording shall be impounded, as specified in Office Policy GJ-36, *Use of Digital Recording Devices* (Non Body-Worn Cameras).
2. The consultation and response by mental health personnel or CHS personnel shall be documented in the Shift Logs.
5. **Decision to Use Force or Control:** The employee's decision to use force or control shall be based on the totality of circumstances known to the employee at the time of the incident, the employee's training, and the subject's actions. Considerations include the following:
 - A. The elements of force present.
 1. Ability: The subject's physical or mental power to carry out an act.
 2. Opportunity: The subject's chance to carry out an act.
 3. Jeopardy: The danger to the employee, others, or to property, if the subject acts.
 4. Preclusion: The consideration of other reasonable means of force or tactical redeployment.
 - B. The type of resistance used by the subject.
 - C. The response options reasonably and readily available to the employee at the time.
6. **Type of Resistance:** The following types of resistance may influence an employee's response.
 - A. Psychological Intimidation: Non-verbal cues indicating a subject's attitude, appearance, and physical readiness.
 - B. Verbal Non-Compliance: Verbal responses indicating unwillingness or threats.
 - C. Passive Resistance: Physical actions that do not prevent an employee's attempt of control, such as a protester going limp and having to be carried away or an inmate not following verbal commands.

- D. Active Resistance: Physical actions which attempt to prevent an employee's control, but never attempt to harm the employee, such as a subject tightening up or attempting to pull away.
- E. Active Aggression: Physical actions of assault, such as a subject displaying threatening behavior, assaulting or attempting to assault another person, or destroying or attempting to destroy property.
- F. Aggravated Active Aggression: Physical actions which may result in a lethal-force encounter.

7. Levels of Control: The following are Levels of Control:

- A. Officer Presence;
- B. Verbal Direction;
- C. Empty-Hand Control;
 - 1. Soft, empty-hand control.
 - 2. Hard, empty-hand control.
- D. Intermediate/Less Lethal Weapons;
 - 1. Soft, intermediate-weapon control.
 - 2. Hard, intermediate-weapon control.
- E. Lethal Force.

8. Levels of Force Variables: Employees shall determine which level of force is objectively reasonable given the totality of the situation. Employees are not required to attempt each level before attempting to use the level of force necessary to address the situation. All incidents present unique circumstances and factors will vary for each employee. The following known or observed variables may affect an employee's decision in escalating and de-escalating the level of control:

- A. The officer's/suspect's size and gender;
- B. The age of the officer and suspect;
- C. The fitness level of the officer and suspect;
- D. The skill level of the officer and suspect;
- E. Multiple officers or suspects;
- F. The proximity of back up for the officer;
- G. Reaction time:
 - 1. The distance between the officer and subject.
 - 2. Reaction time to weapons.
- H. Environmental conditions:
 - 1. Proximity of other possible suspects.

2. Lighting.
 3. Weather.
 4. Clothing.
 5. High-danger area.
 - I. Drug/alcohol influences on the suspect;
 - J. Injury or exhaustion of the officer;
 - K. An officer on the ground;
 - L. The mental state of the suspect;
 - M. Any prior knowledge of the suspects criminal history;
 - N. Weapons involved;
 - O. Injuries to the officer;
 - P. The suspect's ability to escalate;
 - Q. The officer's perceptions based on experience;
 - R. The inability of the officer to disengage/ confinement;
 - S. Sudden attack;
 - T. Did the officer fear for their safety? If so, why?; and
 - U. Statements made by the subject.
9. **Control and Force Options, Authorized Weapons, Equipment, and Techniques:** Guidelines for the use and deployment of weapons, equipment, and techniques are taught during training and should be followed. The vulnerable areas of the body to avoid, durations of use, and frequency of use authorized are specified in training. When reasonably safe and practical to do so, employees should provide a verbal warning before using control or force options. Employees are not required to attempt each level before attempting to use the level of force necessary to address the situation, as specified in this Office Policy. Control and force options, authorized weapons, equipment, and techniques include, but are not limited to, the following:
- A. **De-Escalation Techniques:** An employee shall use de-escalation techniques and other alternatives to higher levels of force consistent with the employee's training whenever possible and appropriate before resorting to force and to reduce the need for force.
 1. Whenever possible and when such delay will not compromise the safety of the employee or others and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an employee may allow an individual an opportunity to voluntarily comply with response options before control and force options are used.
 2. Actions an employee may use to de-escalate an incident include the following:
 - a. Employee's Presence: Identification of the employee's authority.
 - b. Verbal Direction: Commands of direction or arrest.

- c. Verbal Warning: Statements describing force that may be taken if necessary.
 - d. Tactical Repositioning: Creating greater distance to limit the threat or repositioning into a less threatening stance when appropriate and practical to do so.
 - 3. When de-escalation techniques are not effective or appropriate, an employee may consider control and force options.
- B. Empty-Hand Control and Restraint Devices:
 - 1. Soft, Empty-Hand Control: Techniques that have a minimal chance of causing injury such as, escort position, wristlocks, handcuffing, and leg cuffs.
 - 2. Hard, Empty-Hand Control: Techniques that have a probability of causing injury such as, closed fist strikes, palm-heel strikes, kicks, and knee strikes.
 - 3. Restraints: Employees are authorized to restrain combative subjects by binding the hands to the ankles in front of the body. Binding the hands to the ankles behind the back is strictly prohibited.
- C. Intermediate Force: When de-escalation options, control techniques, and/or less-lethal force options are not effective or appropriate, employees may consider the use of intermediate force to control a subject when the subject's actions begin to escalate to active aggression or above.
 - 1. Force with the probability of causing injury, but unlikely to result in death, when properly used.
 - 2. Hard, Intermediate Weapons: The use of intermediate weapons where vulnerable areas of the body are the target of force delivery techniques when it is reasonable to do so based on the totality of the circumstances. The use of intermediate weapons includes techniques such as impact weapon strikes.
- D. Less-Lethal Force: When de-escalation options, control techniques, and/ or intermediate force are not effective or appropriate, employees may consider the use of less-lethal force to control a subject when the subject's actions begin to escalate to active aggression or above.
 - 1. Employees are authorized to use less-lethal force in order to:
 - a. Protect the employee or others from immediate physical harm;
 - b. To restrain or subdue a subject who is actively resisting or evading arrest; or
 - c. To bring an unlawful situation safely and effectively under control.
 - 2. Less-Lethal force options include, but are not limited to, the following.
 - a. Oleoresin Capsicum (OC): Only Office approved OC spray is authorized for use. All employees should be aware of and take precautions for multi-agency participation in which a variety of OC sprays and equipment might be used, since some types of OC spray may be flammable. All uniformed deputies working on-duty and off-duty enforcement assignments and all uniformed detention officers in a custody assignment are required to carry OC spray on their person.

- b. Clear Out: Employees trained in its use are authorized to deploy Clear Out aerosol grenades. Clear Out aerosol grenades shall not be used on passive resistant subjects.
 - c. Baton: The use of a baton is limited to sworn personnel, Qualified Armed Posse (QAP), and firearms qualified detention personnel. Other than qualified Special Response Team and K-9 personnel, detention officers are not authorized to bring batons into the secured areas of any Office jail facility or holding area, unless authorized by a division commander or designee during emergency situations.
 - d. AXON Conducted Energy Weapon (CEW): Use of the CEW is authorized, as specified in Office Policy GJ-30, *TASER Conducted Energy Weapon (CEW)*.
 - (1) The AXON CEW shall not be used on passive resistant subjects.
 - (2) Examples of AXON CEWs include Advanced TASER 7 and TASER X2.
 - e. PepperBall® Launcher: Use of the PepperBall® launcher is authorized, as specified in Office Policy GJ-31, *PepperBall® Launcher*. The Pepperball® Launcher shall not be used on passive resistant subjects.
 - f. Less-Lethal Weaponry Systems:
 - (1) Less-Lethal Shotguns approved for use with flexible baton or other less-lethal munitions shall have their appearance altered, such as taping the stock a different color.
 - (2) Further procedures for the use of less-lethal shotguns, less-lethal munitions, certification and carry requirements are specified in Office Policy GJ-23, *Firearms*.
 - (3) Other Office approved less-lethal weaponry systems may be authorized for the use of special duty units by their respective bureau chief or designee.
 - g. Canine: Will be used, as specified in Office Policy GJ-25, *Canine Unit Operations*.
 - h. Vehicle: Employees should not deliberately use an Office vehicle in an attempt to collide with another vehicle or force any vehicle off the roadway unless, given the totality of the circumstances, it is a reasonable use of force. Only those employees trained in the Pursuit Immobilization Technique (PIT) are authorized to use it, as specified in Office Policy CP-4, *Emergency and Pursuit Driving*.
- E. Lethal Force: Employees are authorized to use Lethal Force when it is objectively reasonable under the totality of the circumstances.
- 1. The use of firearms is authorized in this Office Policy and Office Policy GJ-23, *Firearms*.
 - 2. Use of Lethal Force is justified when one or both of the following apply:
 - a. To protect the employee or others from what is reasonably believed to be an immediate threat of death or serious physical injury; and/or

- b. To prevent the escape of a subject whom the employee has probable cause to believe has committed or intends to commit a felony involving serious physical injury or death, and the employee reasonably believes there is imminent risk of serious physical injury or death to the employee or another if the subject is not immediately apprehended.
- 3. When reasonably safe and practical to do so, employees should identify themselves as a law enforcement officer and warn of their intent to use lethal force unless it is readily apparent the subject is aware of these facts.
- 4. Lethal Force shall not be used against persons whose actions are a threat only to themselves or property.
- 5. Employees shall not discharge a firearm from a moving vehicle, except when exigent circumstances exist. Employees must have an objectively reasonable articulable justification for this type of Lethal Force use.
 - a. Employees shall not discharge a firearm at a moving vehicle unless:
 - (1) A person in the vehicle is threatening the employee or another person with lethal force by means other than the vehicle; or
 - (2) The vehicle is operated in a manner deliberately intended to strike an employee or another person, and all other reasonable means of defense have been exhausted, not practical or reasonably unsafe to do so, which includes moving out of the path of the vehicle.
 - b. Employees shall not discharge a firearm at any part of a vehicle in an attempt to disable the vehicle.
- 6. Employees shall not discharge their firearm for the purpose of giving a warning shot.
- 10. **Use of Other Reasonable Weapons, Equipment, or Techniques:** In emergency situations where it is immediately necessary to use force to prevent serious physical injury or death, and Office issued and/or authorized lethal or less-lethal weapons are inoperable, inaccessible, or otherwise not available or effective, employees may use any object or weaponless control techniques available.

Employees shall not use neck restraints, carotid restraint control holds, any other form of choking or restricting of a subject's airway, or other weaponless control techniques that are not taught or approved by the Office due to the potential for serious injury or death, unless they are in an emergency situation where it is immediately necessary to use force to prevent serious physical injury or death and Office-issued and/or authorized lethal or less-lethal weaponry/ munitions are inoperable, inaccessible, or otherwise not available or effective.
- 11. **Documenting Use of Force:**
 - A. Employees involved in a *Use of Force* incident above and beyond Soft, Empty-Hand Control or using a *Use of Force* option resulting in an injury or complaint of an injury by the subject or employee shall immediately notify their supervisor.
 - B. The primary employee using force shall document *Use of Force* incidents by making a Use of Force Blue Team entry involving the following force options:

1. Soft, Empty-Hand Control resulting in injury or complaint of an injury by the subject or employee;
 2. Hard, Empty-Hand Control and above regardless of injuries to a subject or employee; or
 3. As directed by a supervisor.
- C. Employees should complete all required and applicable fields in the Use of Force Blue Team entry necessary for effective review and routing through the chain of command, as specified in this Office Policy.
- D. Employees shall complete an *Incident Report (IR)* when there is an incident that requires a Use of Force Blue Team entry excluding the documentation of Pointing of a Firearm incident, as specified in this Office Policy.
1. Secondary employees using a force option shall complete an *Incident Report (IR) Supplement* and provide a copy to the primary reporting employee for attachment to the Use of Force Blue Team entry.
 2. Incidents involving secondary employees using a force option shall be documented in the Involved Employee section of the Use of Force Blue Team entry.
- E. Employees shall not use conclusory or boilerplate language when completing a Use of Force Blue Team entry or when completing an IR.
- F. Supervisors shall ensure that all Use of Force incidents specified in this Office Policy are documented in Blue Team.
- G. Supervisors shall take appropriate action involving any identified misconduct observed during any portion of their review of the use of force incident, as specified in Office Policy GH-2, *Internal Investigations*.
- H. Routing and reviewing Use of Force Blue Team entries:
1. **Sworn:** A Use of Force entry shall be completed in Blue Team.
 - a. All supporting documentation, including but not limited to, the IR, including all supplements; TASER CEW downloads; evidence impound forms; pictures; and any video of the incident, excluding Body-Worn Camera (BWC) video footage that is already captured in Evidence.com, shall be uploaded in Blue Team, after approval from a supervisor.
 - (1) If the video footage from another source other than BWC video is too large to download into Blue Team, it shall be uploaded to a CD/DVD, and impounded as evidence through the *Property and Evidence/QueTel System*. A copy shall be provided to the Early Intervention Unit (EIU), who shall upload the video footage into the Early Identification System (EIS).
 - (2) A reference to the video footage storage/impound location shall be made in the IR.

- b. Once the Use of Force Blue Team entry has been completed, it shall be forwarded to the employee's supervisor within **five calendar days** of the incident, absent exigent circumstances. If applicable, the authoring employee is required to include any relevant information pertinent to the incident in the summary of their Blue Team entry that was known to them, prior to, during, or after the use of force incident that is not captured in the IR, such as, but not limited to:
 - (1) Criminal history;
 - (2) Gang affiliation; and/or
 - (3) Commission of a dangerous felony that has a probability of violence or poses bodily harm to the deputy or others.
 - (4) In addition, employees shall document the following information:
 - (a) The type of force used on the subject;
 - (b) Whether or not the subject sustained any injuries as a result of the force used; and/or
 - (c) If the employee sustained injuries as a result of the subject's actions.
- c. Supervisors shall complete a review the Use of Force Blue Team entry within **seven calendar days** of receiving the entry. The review shall consist of reviewing video footage, if available, and all forms for accuracy, brevity and completeness to include all required and applicable fields are completed, and boilerplate or conclusory language. The supervisor shall also review for inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.
 - (1) In the comment/response field of the Blue Team entry, supervisors are required to identify and document as following:
 - (a) Identify and document pertinent information identified by the employee in the Blue Team entry. In addition, supervisors are required to specifically identify and document the following information identified by the employee:
 - (i) Type of force used by the employee;
 - (ii) Whether or not the subject sustained any injuries as a result of the force used; and/or
 - (iii) If the employee sustained injuries as a result of the subject's actions.
 - (b) If applicable, indicate if a policy or training deficiency was identified during their review and the action taken.

- (2) Supervisors shall forward the Use of Force Blue entry to their shift commander within **seven calendar days** of receiving the entry.
- d. Shift commanders shall review, approve, and forward the Use of Force Blue Team entry to the division commander within **seven calendar days** of receiving the entry.
 - (1) Once approved, the shift commander shall indicate if intermediate force or above was used that resulted in injury to the subject in the comment/response field of the Blue Team entry when forwarding to the EIU. This excludes all subject injuries that were preexisting or self-inflicted.
 - (2) Shift commanders shall also specify a determination for “Review Required” by the Sworn Non-Lethal Use of Force Committee for the following incidents:
 - (a) Incidents involving the use of intermediate force or above resulting in injuries to the subject. This excludes injuries that were preexisting or self-inflicted; and/or
 - (b) Incidents recommended for further review by the Sworn Non-Lethal Use of Force Committee as determined by the employees’ chain of command.
 - (3) Shift commander shall refer all other entries for “Retention Only” in the EIS.
- e. Division commanders shall review, approve, and forward the Use of Force Blue Team entry, to the EIU in Blue Team within **45 calendar days** of the incident. If their review is not completed and forwarded to the EIU within **45 calendar days** of the incident, the division commander shall detail the reason for the delay in the comments/response field of the Blue Team entry upon completion. Any delay expected beyond **60 calendar days** of the incident shall require a memorandum submitted to the respective bureau chief detailing the reasons for delay and the amount of additional time requested to complete their review.
 - (1) Once approved, the division commander shall indicate if intermediate force or above was used that resulted in injury to the subject in the comment/response field of the Blue Team entry when forwarding to the EIU. This excludes all subject injuries that were preexisting or self-inflicted.
 - (2) Division commanders shall also specify a determination for “Review Required” by the Sworn Non-Lethal Use of Force Committee for the following incidents:
 - (a) Incidents involving the use of intermediate force or above resulting in injuries to the subject. This excludes injuries that were preexisting or self-inflicted; and/or

- (b) Incidents recommended for further review by the Sworn Non-Lethal Use of Force Committee as determined by the employees' chain of command.
 - (c) All others shall be referred for "Retention Only" by the EIU in the EIS.
 - (3) The division commander shall document their findings in the comment/response field of the Blue Team entry to include specifying their determination for "Review Required" or "Retention Only."
 - f. The EIU shall assign the Blue Team entry a Use of Force number and forward the entries referred for review to the Sworn Non-Lethal Use of Force Review Committee Administrator. Blue Team entries referred for retention shall be assigned a Use of Force number and retained in the EIS.
 - (1) Entries received by the EIU that do not contain a determination shall be returned to the division commander.
 - (2) Division commanders shall document the appropriate determination and return within **14 calendar days**.
2. **Detention:** A Use of Force entry shall be completed in Blue Team.
- a. Employees shall document the presence of the Detention Considerations, as specified in this Office Policy in their Use of Force Blue Team entry.
 - b. All supporting documentation, including but not limited to, the IR, including all supplements; TASER CEW downloads; evidence impound forms; pictures; and any video of the incident, shall be uploaded in Blue Team, after approval from a supervisor.
 - (1) If the video is too large to upload into Blue Team, it shall be downloaded to a CD/DVD, and impounded as evidence through the *Property and Evidence/QueTel System*. A copy of the video shall be provided to the Detention Use of Force Committee.
 - (2) A reference to the video footage storage/impound location shall be made in the IR.
 - c. Once the Use of Force Blue Team entry has been completed, it shall be forwarded to the employee's supervisor within **five calendar days** of the incident, absent exigent circumstances. If applicable, the authoring employee is required to include any relevant information pertinent to the incident in the summary of their Blue Team entry that was known to them, prior to, during, or after the use of force incident that is not captured in the IR, such as, but not limited to:
 - (1) Discipline history;
 - (2) Arrest history;
 - (3) Classification status;

- (4) Institutional behavior; and/or
- (5) Prior assaults on staff;
- (6) In addition, employees shall document the following information:
 - (a) The type of force used on the subject;
 - (b) Whether or not the subject sustained any injuries as a result of the force used;
 - (c) If the employee sustained injuries as a result of the subject's actions; and/or
 - (d) Inmates identified as Seriously Mentally Ill (SMI), or Mental Health Chronic Care (MHCC).
- d. Supervisors shall complete a review the Use of Force Blue Team entry within **seven calendar days** of receiving the entry. The review shall consist of reviewing video footage, if available and all forms for accuracy, brevity and completeness, to include ensuring all required and applicable fields are completed, and boilerplate or conclusory language. The supervisor shall also review for inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.
 - (1) In the comment/response field of the Blue Team entry, supervisors are to identify, and document as follows:
 - (a) Identify and document pertinent information identified by the employee in the in the Blue Team entry. In addition, supervisors are required to specifically identify and document the following information identified by the employee:
 - (i) Type of force used by the employee;
 - (ii) Whether or not an injury to the subject occurred as a result of the force used;
 - (iii) If the employee sustained injuries as a result of the subject's actions; and
 - (iv) Inmates identified as seriously mentally ill (SMI), or mental health chronic care (MHCC).
 - (b) Supervisors are required to document their review and recommendations for further review of the Detention Use of Force Committee, if deemed necessary.
 - (c) If applicable, indicate if a policy or training deficiency was identified during their review and the action taken.

- (2) Supervisors shall forward the Use of Force Blue Team entry to their shift commander within **seven calendar days** of receiving the entry.
- e. Shift commanders shall review, approve, and forward the Use of Force Blue Team entry to the division commander within **seven calendar days** of receiving the entry.
 - (1) Once approved by the shift commander, the following information shall be documented in the comment/response field of the Blue Team entry when forwarding to the division commander:
 - (a) The type of force used by the employee;
 - (b) Whether or not an injury to the subject occurred as a result of the force used;
 - (c) If the employee sustained injuries as a result of the subject's actions; and
 - (d) If the inmate is identified as seriously mentally ill (SMI) or mental health chronic care (MHCC).
 - (2) Shift commanders shall also specify a determination for "Review Required" by the Detention Use of Force Committee for the follow incidents:
 - (a) Incidents involving the use of intermediate force or above regardless of injury to the inmate or not;
 - (b) Incidents involving SMI or MHCC inmates; and/or
 - (c) Incidents recommended for further review by the Detention Use of Force Committee as determined by the employees' chain of command.
 - (3) Shift commanders shall refer all other entries for "Retention Only" in the EIS.
- f. Division commanders shall review, approve, and forward the Use of Force Blue Team entry, to the EIU in Blue Team within **45 calendar days** of the incident. If their review is not completed and forwarded to the EIU within **45 calendar days** of the incident, the division commander shall detail the reason for the delay in the comment/response field of the Blue Team entry. Any delay expected beyond **60 calendar days** of the incident shall require a memorandum submitted to the respective bureau chief detailing the reasons for delay and the amount of additional time requested to complete their review.
 - (1) Once approved by the division commander, the following information shall be documented in the comment/response field of the Blue Team entry when forwarding to EIU:
 - (a) The type of force used by the employee;

- (b) Whether or not an injury to the subject occurred as a result of the force used;
 - (c) If the employee sustained injuries as a result of the subject's actions; and
 - (d) If the inmate is identified as seriously mentally ill (SMI) or mental health chronic care (MHCC).
 - (2) Division commanders shall also specify a determination for "Review Required" by the Detention Use of Force Committee for the following incidents:
 - (a) Incidents involving the use of intermediate force or above regardless of injury to the inmate or not;
 - (b) Incidents involving SMI or MHCC inmates; and/or
 - (c) Incidents recommended for further review by the Detention Use of Force Committee as determined by the employees' chain of command.
 - (3) Division commanders shall refer all other entries to EIU for "Retention Only" in the EIS.
- g. The EIU shall assign the Blue Team entry a Use of Force number and forward the entries referred for review to the Detention Use of Force Committee Administrator. Blue Team entries referred for retention shall be assigned a Use of Force number and retained in the EIS.
 - (1) Entries received by the EIU that do not contain a determination shall be returned to the division commander.
 - (2) Division commanders shall document the appropriate determination and return within **14 calendar days**.

12. Documenting Pointing of a Firearm:

- A. Employees, with the exception of specialty response units, shall document all pointing of a firearm incident at a member of the public in Blue Team, using the Use of Force Incident Type entry within **5 calendar days** of the incident, absent exigent circumstances. All incidents involving the pointing of a firearm shall be documented on a Use of Force Blue Team entry as follows:
 - 1. Employees shall provide a brief synopsis of the incident in the incident summary and complete the mandatory fields to include the MC (Event) Number;
 - 2. Employees should include a URL Link to any BWC video footage or download any BWC video footage that is not already captured in Evidence.com to a CD/DVD and if applicable, forward through the chain of command as needed. Once received by the EIU, the CD/DVD shall be uploaded to the EIS; and

3. Employees shall select “Firearm (Pointing Only)” from the “Force Used by Employee/Force Type” drop down menu, under the Involved Employee field.
 - B. Once the Blue Team entry is completed, the employee shall forward the Blue Team entry through their chain of command to the division commander, for review and approval.
 - C. Division commanders shall review the pointing of a firearm Blue Team entry and determine whether the pointing of the firearm was used to gain compliance from a subject; or for security purposes such as when clearing a building. Division commanders shall document their determination “Pointing of a Firearm only/Retention Only” or “Review Required” in their response and forward the Blue Team entry to the EIU **within 14 calendar days of receiving the entry**.
 - D. The EIU shall retain the approved Blue Team entry in the EIS for statistical data reporting use only. The pointing of a firearm documentation shall not require the review of the Use of Force, unless the division commander requests a review by the Use of Force Review Committee.
 - E. If misconduct is identified, the division commander shall forward a copy of the Blue Team entry to PSB for review and action, as specified in this Office Policy.
 - F. Employees who discharge their firearms or use a means of force resulting in injury in conjunction with the pointing of a firearm incident shall follow documenting and reporting procedures, as specified in this Office Policy to include completing an IR.
13. **Critical Incident Stress Management (CISM) Team:** The CISM team may be utilized following a critical incident, as specified in Office Policy GC-22, *Critical Incident Stress Management Program*.
 14. **Use of Force Review Committee:** Use of Force Review Committees are comprised of designated personnel to include a designated chairperson, who evaluate use of force incidents to ensure that proper actions were taken and to identify any Office Policy or training deficiencies. The Use of Force Review Committee is responsible for reviewing the video recording portion related to the Use of Force incident only and the Blue Team entry and supporting documentation. Although the primary purpose of the Committee is to identify policy and training deficiencies, any misconduct identified during the review shall be documented and forwarded, as specified in this Office Policy. The Committee does not hold hearings or impose discipline. Policy, procedure, or training deficiencies, or misconduct identified by the Use of Force Committee shall be forwarded to the appropriate division or bureau for review and follow-up.
 - A. **Sworn Action:** The Sworn Non-Lethal Use of Force Committee will conduct their reviews and route their determinations, as specified in the Sworn Non-Lethal Use of Force Review Committee Protocol. The Sworn Non-Lethal Use of Force Committee Protocol can be found on the Office’s shared drive in the Policy Folder under CP- 1, *Use of Force*.
 - B. **Detention Action:** The Detention Use of Force Review Committee shall conduct a review of the Detention Use of Force incident within **60 calendar days** of receiving the Blue Team entry and all supporting documentation, to include video footage and photos, as applicable. A copy of the Detention Use of Force Review Committee findings will be forwarded to the appropriate division commander or bureau chief:
 1. If any misconduct is identified by the Detention Use of Force Review Committee, it shall be documented in Blue Team and the Use of Force Blue Team entry shall be forwarded back to the originating commander.

- a. Commanders shall ensure that appropriate action is taken, as specified in Office Policy GH-2, *Internal Investigations*.
 - b. Any corrective or reporting action taken shall be documented in Blue Team, as specified in Office Policy GH-5, *Early Identification System*.
 - c. The Use of Force Blue Team entry shall be forwarded to the EIU to be retained in the EIS.
 2. If a policy deficiency is identified, the issue shall be forwarded to the Director of the Administrative Services Division or designee. After appropriate action has been taken, the Director of Administrative Services Division or designee shall document any corrective or reporting action taken in the Use of Force Blue Team entry and shall be forwarded to the EIU. The Use of Force Blue Team entry shall then be retained in the EIS.
 3. If a training deficiency is identified, the issue shall be forwarded to the Training Division Commander or designee. After appropriate action has been taken, the Training Division Commander or designee shall document the corrective action taken in the Use of Force Blue Team entry and shall be forwarded to the EIU. The Use of Force Blue Team entry shall then be retained in the EIS.
 - a. The Training Division should notify the employee's supervisor of the outcome.
 - b. The supervisor should verify that the employee has followed through with any training recommendations or requirements, or is scheduled to do so, as specified in Office Policy GH-5, *Early Identification System*.
 4. If approval by the Detention Use of Force Review Committee, the Use of Force Review Committee shall return the Use of Force Blue Team entry to the EIU. The Use of Force Blue Team entry shall then be retained in the EIS.
15. **Training Programs:** The Training Division shall be responsible for developing, implementing, and monitoring programs designed to provide training in the use of force and control, de-escalation techniques, defensive tactics, and weapons. Specialty units shall be responsible for their specialized training and should forward their training documents to the Training Division for tracking purposes. All employees shall successfully complete the training requirements appropriate to their classification prior to:
 - A. Assignment to law enforcement, detention, or deputy services aide duties; and
 - B. Authorization to carry or use any weapon, ammunition, or use of force tool in the line of duty.