



**MYRTLE BEACH POLICE DEPARTMENT
ADMINISTRATION REGULATIONS
AND OPERATING PROCEDURES**

Subject: Use of Force

Number: 206-M

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206 Use of Force

January 1, 2001

206-A Use of Force

November 22, 2005

206-B Use of Force

January 1, 2007

206-C Use of Force

April 18, 2008

206-D Use of Force

March 6, 2009

206-E Use of Force

July 24, 2009

206-F Use of Force

November 5, 2010

206-G Use of Force

February 15, 2017

206-H Use of Force

June 10, 2019

206-I Use of Force

September 25, 2020

206-J Use of force

January 23, 2021

206-K Use of Force

September 13, 2021

206-L Use of Force

November 17, 2023

Approved By:

I. PURPOSE

The goal of the City of Myrtle Beach and this Department is to treat everyone with dignity and respect. Unfortunately, not everyone responds in kind with mutual respect, which, on occasion, requires officers to use force to carry out the mission of protecting life and property and upholding the Constitution and laws.

Officers will make all reasonable attempts to de-escalate a situation before using force, but once force is required, officers will avoid using excessive force. The purpose of this policy is to provide guidance to officers regarding *justified and reasonable* applications of force to include use of force reporting. This policy must be read and applied in conjunction with other departmental

policies on using force, such as less-lethal force or equipment.

II. DEFINITIONS

- A. De-escalation Techniques: Actions used by officers, when safe and without compromising law-enforcement priorities, to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the need to use physical force.
- B. Justified Force: Force is warranted when a person resists lawful actions, a legal detention or arrest, or in self-defense or defense of others when a person assaults, or attempts to assault, an officer or another.
- C. Reasonable Force: An officer may use only that force which is reasonably necessary to overcome the level of resistance to secure a subject, or to stop a direct threat of harm posed by a subject.
- D. Lethal Force: The application of force through the use of firearms or any other means reasonably likely to cause death or serious injury, which include, but are not limited to:
 - 1. Intentionally shooting a firearm at a person.
 - 2. Intentionally striking a person's head, neck, or throat with an impact weapon.
 - 3. Intentionally striking a person's head into a hard, fixed object, including, but not limited to, a roadway, a brick wall, the bars of a jail cell, etc.
 - 4. Intentionally shooting a person in the head or neck with a beanbag shotgun round.
 - 5. Using stop-sticks on a moving motorcycle.
 - 6. Setting a "dead man's roadblock," i.e., setting a roadblock with insufficient visibility to allow a person to brake to avoid colliding with the roadblock.
 - 7. Neck and carotid restraints, which restrict breathing or blood flow from and to the head.
- E. Less-Lethal Force: Less-lethal force means uses of force that are not intended, and are unlikely, to cause death or serious injury, which include

chemical spray, ASP batons, Gas (OC) grenades, tasers, Pepperball launching systems, soft and hard hand control techniques, and bean bag shotguns.

- F. Officer: Officer means employees of this department sworn to uphold the Constitution and laws, i.e., police officers and supervisors, and officers responsible for inmates, i.e., detention officers and supervisors.
- G. Passive Resistance: The subject does not take action to prevent being taken into custody, but does not cooperate with an officer's commands, such as to stand or to walk to a transport vehicle thereby requiring an officer or officers to lift and carry the subject.
- H. Reportable Force: All uses of force, other than de minimis force, are reportable.
- I. Serious Injury: A serious injury is one that creates a substantial risk of death, dismemberment, significant disfigurement, a fracture, the loss of a fetus, or the permanent loss, or significant impairment, of use of a body organ, member, function or system.
- J. Transient Pain: Transient pain is temporary, short-lived pain that has no lasting effects and requires no medical attention.
- K. Uses of Force: Force means any physical coercion by an officer in performance of official duties including de minimis force and level 1, 2 and 3 force.
- L. Types of force:
 - 1. De Minimis Force (non-reportable): This is minimal force used to separate two persons from each other, such as to prevent, or further prevent physical aggression between them, to guide a person, (such as guiding the person's arms behind their back in order to handcuff them or escorting an arrestee by his or her arm to a patrol vehicle for transport) and to control a person, (such as assisting a person in handcuffs to stand or assisting a person to sit in a restraint chair). The force is minimal and without intent to, and not reasonably likely to, cause pain or injury. Further examples include, but are not limited to, the following:
 - 2. Use of control holds or joint manipulation techniques in a manner that does not cause any pain and are not reasonably likely to cause pain.

3. Using hands or equipment to stop, push back, separate, escort, or carry a person without causing any pain, or in a manner that would reasonably cause pain.
4. Pointing a firearm (handgun, rifle, and beanbag shotgun), irrespective of whether the subject was aware. Pointing a firearm requires investigation and reporting in the OPS Records Management System as a show of force. This informational report is not considered a use of force. However, supervisors are expected to review and complete the show of force to ensure that proper procedures were followed. The supervisor will conduct the initial review and complete the report in the OPS Records Management System. The Sergeant will serve as the final reviewing supervisor, ensuring that proper procedures were followed, providing any necessary follow-up, and forwarding the reports to OPS for finalization. If a sergeant or above is involved in the show of force, the next ranking supervisor will complete the show of force. Any findings other than justified and reasonable will be forwarded through the officer's chain of command for review, and the Division Commander will be immediately notified. The show of force review process must be completed within 20 days of the show of force.
5. Level 1 Force: Force that causes, or is reasonably expected to cause, only transient pain, the complaint of transient pain, or disorientation during its application as a means of gaining compliance, which includes pressure point compliance and joint manipulation techniques. Level 1 force is not reasonably expected to cause injury, does not result in an actual injury, and does not result in a complaint of injury.
6. Level 2 Force: Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, which is greater than transient pain (Level 1) but less than serious injury or death (Level 3). Level 2 Force includes the use of a taser, including where a taser is fired at a person but misses, chemical Spray application, beanbag shotgun deployment, impact weapon strikes, and weaponless defense techniques, e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns.
7. Level 3 Force: Force that causes, or is reasonably expected to cause death or serious injury to include, but not limited to: (1) lethal force, (2) force resulting in death, (3) force resulting in serious injury, (4) force resulting in hospital admission, (5) force involving neck restraints, and (6) force resulting in a loss of consciousness (7) police canine bites unless the person is an employee of this or another law enforcement agency, then it will

be reported via a Loss Report.

M. Weapon: An instrument used to apply force in an offensive or defensive manner.

1. Approved Weapon: A firearm or piece of equipment used to apply force that is both specified and authorized by the Department
2. Approved Use of a Weapon: Use of an approved weapon by an officer who has been trained and certified in the use of that weapon.
3. Improvised Weapon: A firearm, piece of equipment, or any object used to apply force other than those authorized by the Department, to include Department-approved firearms and equipment used by an employee who has not received the required training and certification to use the weapon or equipment.

III. STATEMENT OF AUTHORITY

A. Non-Lethal Force

1. Subject to the provisions below, an officer may use force upon another person when that force is, or reasonably appears to be, necessary:
 - a. To prevent escape from custody, to effect an arrest, or to effect an investigative detention of a person, who the officer reasonably believes has committed, or is in the process of committing, a criminal offense; or
 - b. To defend himself or herself or a third person from what he or she reasonably believes to be the use of physical force while effecting, or attempting to effect, an arrest or investigative detention, or while preventing, or attempting to prevent an escape.

B. Lethal Force

1. An officer may use lethal force upon another person when that force is, or reasonably appears to be, necessary:
 - a. To defend himself or herself or a third person from what he reasonably believes to be the use, or imminent use, of

lethal force; or

- b. To effect an arrest or to prevent the escape from custody of a person, who he or she reasonably believes is attempting to escape by means of a deadly weapon, or when the subject, by his or her conduct or any other means, indicates that he or she presents an imminent threat of serious physical injury or death to others unless apprehended without delay.

C. The use of force is prohibited when not reasonably necessary under the circumstances confronting the officer.

D. Nothing in this policy shall be construed to permit, excuse or justify the use of unreasonable or excessive force. When assessing the need to use force, or the appropriate level of force, response based on the totality of the circumstances of the situation, officers should consider the nature and extent of any threat posed by the subject or subjects. Officers can decide to escalate or de-escalate force response as necessary in order to overcome resistance, protect themselves and others, and achieve lawful objectives. Officers should consider other circumstances they may encounter, including but not limited to the following:

1. The severity of the crime;
2. The degree to which the subject resists arrest or detention;
3. Attempts made by the subject to evade arrest by flight;
4. Officer and subject size and gender;
5. Environmental conditions, such as darkness, rain, uneven or unstable footing, confined space or objects, which may reduce the officer's ability to retreat, or any other environmental factors that place the officer in a disadvantaged or compromised position as well as environmental factors affecting a subject, such as tasing a subject on stairs that may cause him or her to fall sustaining serious injuries;
6. Multiple subjects;
7. Altered mental state of a subject due to alcohol, drugs, mental illness, or agitation, which may make him or her act in an unpredictable or dangerous manner;
8. Past violent behavior or use of weapons;

9. Totality of circumstances, which make an officer reasonably concerned about his or her safety or the safety of another;
10. The actions of a subject, or subjects, are a primary determining reason for officers to choose a level of force response. Although a subject's actions may only be verbally or passively resistant, an officer may be justified in choosing a higher level of force response based on additional factors. Examples of these factors include, but are not limited to:
 - a. Subject verbally threatens to assault an officer or another person via a knife, gun, vehicle, etc.
 - b. Subject adopts a fighting stance;
 - c. Subject may be in possession of a weapon;
 - d. Subject will not remove his hands from pockets or from concealment of clothing;
 - e. Subject is known to have become violent in the past;
 - f. Subject is highly agitated and his or her behavior is unpredictable and potentially violent;
 - g. Any situation that the officer reasonably believes that it would be too dangerous to attempt to use a lower level of force response.

IV. LIMITS ON FORCE

- A. **Warning Shots:** These are prohibited in all circumstances. The risk to officers and the public far outweighs any benefits the use of warning shots would provide.
- B. **Firing at, or from, Moving Vehicles:** This is discouraged except where an officer reasonably believes that there is an imminent threat of death or serious physical injury to himself or herself or a third party if the officer does not do so, and that it is the most reasonable means of protecting himself or herself or a third party.
- C. **"Strangle and Choke Holds":** These and any other similar holds that restrict the ability to breath or the flow of blood to the brain are prohibited except when the officer reasonably believes there is an imminent threat of serious physical injury or death to himself or herself or to a third party if he or she does not do

so, and that it is the most reasonable means of protecting himself or herself or a third party. These restraint techniques are considered lethal force and will not be used in any situation where less-than-lethal options are warranted. If a person is rendered unconscious with a chokehold or vascular neck restraint, officers WILL immediately notify emergency medical personnel and their supervisor to respond to the scene and render aid.

1. Choke hold – a physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation.
2. Vascular Neck Restraint – a physical maneuver that restricts blood flow to the brain for the purposes of incapacitation.
3. Head Blows with Impact Tools: The use of an inanimate object to strike a person's head is discouraged except when the officer reasonably believes there is an imminent threat of serious injury or death to himself or herself or a third person and that he or she has no other reasonable alternative for defending himself or herself or a third person. Depending on the method of use and other circumstances, a flashlight, gun, baton, or similar object used as a club to strike a head blow could be considered a use of deadly force.

D. Off-Duty Actions: Off-duty officers should refrain from taking police action except in circumstances that seriously threaten life, valuable property, or public order. In other circumstances, the most appropriate police action is to request the assistance of an on-duty police officer at the first opportunity. Before taking any action while off duty, officers must carefully consider the risks to themselves and others that may be caused by sudden confrontation with armed or otherwise dangerous criminals or suspects. If it is feasible, the off-duty officer should identify himself or herself as an officer before taking any action. Officers should keep in mind that they may not have a radio to call for back up, probably will not be wearing a vest for self-protection, and probably won't be wearing a badge to alert arriving, on-duty officers, who may be from another department, that they are an officer. The off-duty officer may be mistaken for an armed suspect by the arriving on-duty officers.

E. Displaying and Brandishing Weapons: Officers will not display or brandish any weapon, lethal or less lethal, in a threatening or intimidating fashion unless it is reasonably necessary to do so in order to prevent, or attempt to prevent, an attack on an officer or a third person, to effect an arrest or detention, to prevent escape, or to protect property from destruction or theft.

F. Weapons and Devices Permitted: Officers may carry and use those weapons and control devices specifically approved in writing by the Chief of Police. Officers must have received approved training from qualified instructors on the use of each device.

V. PROCEDURE FOLLOWING THE USE OF FORCE – DOCUMENTATION, REPORTING, & SPECIAL PROCEDURES

- A. **Use of Force Report.** Use of force by officers will be documented and reported on the "Use of Force Report" within the OPS Records Management System. This report is used to immediately document the use of force so the pertinent facts will be readily available in the event any questions arise concerning the force incident. The report is also used to assist in identifying training and equipment needs. The number of "Use of Force Reports" involving an officer cannot be used in the officer's performance evaluation or as the basis for disciplinary action. Force that is justified is permissible, regardless of the number of usages. Not every touching by an officer requires completion of a "Use of Force Report" or notification of a supervisor. The Chief of Police shall make decisions regarding what force requires notification and reporting. The Department will purge all "Use of Force Reports" five years from the date of the force incident unless it is involved in civil or criminal litigation.
- B. **Person in Need of Assistance.** If an officer is injured, he or she will notify their supervisor and receive treatment. He or she will complete a Loss Report, or his or her supervisor will complete the report if the officer is unable to complete the report. The supervisor will also notify the officer's lieutenant of the injury.
- C. **Off-Duty Officers:** Off-duty officers involved in a use-of-force situation are subject to the same reporting procedures as on-duty officers. When an off-duty officer uses force, the officer will notify the on-duty supervisor immediately.
- D. **Situations Requiring Completion of Report and Supervisory Notification:**
 - 1. **Reportable Force:** Other than de minimis force, all uses of force, as defined above, are reportable.
 - 2. Officers will notify a supervisor immediately, after the scene is rendered safe, of an incident involving the use of force.
 - 3. Supervisors will notify a lieutenant about an incident involving the use of force within a reasonable time after the incident, but prior to the end of the shift. The Lieutenant will review BWC, in-car-cameras, or other available video by the end of the Officer's shift to make sure that the force appeared to be reasonable and justifiable at the time, and make sure that there are no serious issues that must be addressed immediately. In these cases, the Captain will be

notified. If the Lieutenant is off, the Sergeant will assume these responsibilities.

- E. Photographs of Injuries: With the consent of the injured person, the investigating supervisor will have photographs taken of the injuries, whether visible or not. Officers with visible injuries will also be photographed. Photographs should always start with a photograph of the face for identification purposes. If consent is not given, the supervisor will document the visible injuries and the refusal in the Use of Force Report and include a copy of the Booking Report.
- F. Charging for Resistance and Assault: If an officer exercising police authority encounters resistance that clearly justifies criminal charges being lodged against a person, the appropriate charges will be made immediately. If a subject assaults an officer, the charge of assault will be pursued as it is the higher charge, and resisting arrest will not also be charged unless it arose from different circumstances other than the assault.
- G. Custody of Firearms Discharged during the Use of Force: A supervisor will accompany an officer who discharges their weapon during the use of force. The supervisor will ensure that the weapon and extra magazines remain in the custody of the officer and in the same condition as they were immediately after the discharge. The supervisor will remain with the officer until such time as the weapon is turned over to the outside agency charged with the responsibility of investigating the discharge. A supervisor may take custody of the officer's weapon, extra ammunition, and duty gear in the event the officer is to be transported to a medical facility or is not conscious and alert. The supervisor will hold the weapon until such time as it can be turned over to Department authorities or an outside agency charged with the responsibility of investigating the discharge. At the discretion of the Chief of Police or designee, officers will be given a replacement weapon. Privately owned weapons will not be replaced but will be returned as soon as practical.
- H. Parallel Criminal Investigations- Use of Standard Approved Witness Forms: Many times, there will be a criminal investigation conducted that is parallel to the use-of-force investigation. This is considered an administrative investigation. In any case, where a witness' written statement will be used for both the criminal and the administrative investigation, the approved standard department Witness form will be used in lieu of the Use of Force Witness form in order to prevent duplication of statements. The Witness form will be scanned into the OPS Records Management System for use of force reporting purposes. After scanning the form, the original form will be filed with the appropriate criminal investigation documentation.
- I. De-escalation of an Incident: In many instances officers are involved in,

compliance is gained, and force de-escalates, allowing officers to gain control of a situation. In these instances, at the discretion of the supervisor, a Use of Force Report is not required. Supervisors may document the encounter through the use of a supplemental report and download any documented video of this encounter as needed within the OSSI system.

VI. USE OF FORCE INVESTIGATION AND DOCUMENTATION FOR NON-LETHAL AND LETHAL FORCE AS WELL AS FORCE THAT CAUSES A SERIOUS INJURY

As with any investigation, the use of force shall be thoroughly investigated and documented. We have a responsibility to both the public and the officer to thoroughly, accurately, and expeditiously investigate use-of-force incidents.

A. Officer's Duties

1. The first responsibility of officers involved in a use-of-force incident is to ensure that the scene is safe, render medical attention, if applicable, to officers, victims, and subjects, notify a supervisor, and identify and sequester witnesses.
2. Employees involved in a use of force will not investigate the incident or assist in the investigation.
3. Employees who are not involved in the use of force can assist responding supervisors.
4. Involved employees will give a verbal statement to a department supervisor, who will audio-record the statement for the OPS Records Management System. The statement will describe the incident to include, but not be limited to, the initial encounter, each subject's actions, the reason for detention or arrest, the type of resistance used by each subject, and the type of force used to overcome the resistance.
 - a. Lethal Uses of Force: OPS will complete the Use of Force reports for incidents involving lethal uses of force. SLED will be given a copy of this report. Officers will not be asked to give a separate report to SLED. Officers will be given an opportunity to meet with legal counsel and read Garrity Warnings before answering any questions about the incident, other than the basic facts, should a warrant, arrest, or search be necessary.
 - b. Employees who witness a use of force will give a verbal

statement to a department supervisor, who will audio-record the statement for the OPS Records Management System. As with any witness statement, employees will report only what they experienced directly. Even if the employee did not observe the use of force, their observations of the scene and the aftermath may be included if required to confirm or dispel alleged facts.

5. Any employee present in a situation who reasonably believes that another employee is using force in violation of law or Department regulation has a duty to intervene and stop the unlawful or inappropriate use of force as long as it is safe and reasonable to do so.
6. Any employee, on or off duty, who witnesses or is made aware of an instance of excessive, unlawful, or inappropriate use of force by another employee of any agency has an obligation to report that situation to a supervisor or the Office of Professional Standards as soon as practical.

B. Supervisor's Duties

1. Supervisors, upon being notified of a use of force, will respond to the scene and initiate the preliminary investigation.
2. Supervisors will notify the appropriate lieutenant of the use of force investigation. If the use of force results in a serious injury or death, supervisors will notify their division lieutenant immediately.
3. If a use of force resulted in death or serious injury, the supervisor will secure the scene including witnesses, and await the arrival of an investigator from the State Law Enforcement Division (SLED) and the Office of Professional Standards (OPS), respectively, who will take over the investigation and report their findings to the Chief of Police and Assistant Chief of Police.
4. When a use of force does not result in death or serious injury, supervisors will obtain audio-recorded or written statements from officers who used force, employees who witnessed a use of force, citizens who witnessed a use of force, and subjects. Supervisors will ask follow-up questions of any person giving a statement to make sure their statement is complete and accurate. If a witness or subject is unable to write, either a recorded statement will be taken, or the supervisor will write the statement and have the witness or subject sign the statement. If a non-officer witness or

subject refuses to give a statement, the refusal should be audio-recorded or written and then signed by the witness or subject.

5. Supervisors will make sure photographs are taken of any person, place or other item that is important to the investigation.
6. Supervisors will collect any video, other than in-car or BWC videos, and make a copy for the investigation. In-car and BWC videos will be included in a case file in Evidence.com.
7. Supervisors are responsible for uploading all relevant documents into the OPS Records Management System to include, but not limited to, booking reports, medical paperwork, CAD reports, photographs, audio recordings, Evidence.com URL links, etc.
8. Supervisors will write the use of force summary of the incident based upon all statements, videos, and other evidence.
9. The Supervisor will give a recommendation in accordance with Section IX, below.
10. Supervisors have 10 days to complete the investigation and send the use of force report to their Lieutenant via the OPS Records Management System unless the Division Lieutenant approves an extension.

C. Division Lieutenant's Duties

1. Lieutenants will immediately notify their Division Captain and the Public Information Officer of a lethal use of force or a use of force that resulted in serious injury.
2. Lieutenants will review non-lethal uses of forces upon receipt from a supervisor, add their recommendation, and then forward it to the Division Captain within 20 days of the incident unless the Division Captain approves an extension.

D. Division Captain's Duties

1. Use of Force that Do Not Involve Death or Serious Injury:
 - a. Division Captains will conduct the final review of the investigation, address any issues needing follow-up, and provide final disposition of the investigation to the OPS Records Management System.

- b. Notify the Assistant Chief of any investigation where the force used was determined to be anything other than justified and reasonable.
- 2. Uses of Force that Result in Death or Serious Injury, or are Otherwise Sensitive in Nature:
 - a. Division Captains will notify both the Assistant Chief of Police and the Chief of Police immediately of any lethal use of force, use of force that resulted in serious injury, or is otherwise sensitive in nature. The Chief of Police, Assistant Chief of Police or their designee will call the State Law Enforcement Division (SLED) and the Office of Professional Standards (OPS), as appropriate, and ask an investigator to respond to the scene and investigate uses of force that result in serious injury, or death. As to sensitive cases, the Chief of Police will determine, after being notified, whether he or she will make the final determination on the incident or will leave it to the Division Captain.
 - b. Upon receipt of the completed investigation from OPS, Division Captains will review the OPS file, address any issues, render a recommendation and forward their recommendation along with the OPS file to the Assistant Chief of Police within 10- days of the receipt of the OPS file unless an extension is approved by the Assistant Chief of Police. After reviewing the investigation, the Assistant Chief of Police will forward a recommendation to the Chief of Police.
 - c. Upon receipt of the completed investigation from SLED, Division Captains will review the SLED file, address any issues, render a recommendation, and forward their recommendation along with the SLED file to the Assistant Chief of Police within 10 days of the receipt of the SLED file unless an extension is approved by the Assistant Chief of Police. After reviewing the investigation, the Assistant Chief of Police will forward a recommendation to the Chief of Police.

E. Office of Professional Standards

- 1. Upon request to investigate a use of force that resulted in a serious injury, OPS personnel will collect documents, videos, and other evidence already secured by a supervisor.

2. OPS will conduct an investigation parallel to all cases investigated by SLED.
3. OPS personnel will conduct any further investigation necessary to complete the investigation.
4. OPS personnel are not expected to recommend corrective action to include disciplinary action, but may recommend corrective action as to departmental training needs to best prevent future issues.
5. Upon completion of the investigation, OPS personnel will forward the completed investigation to the Division Captain of the officer(s) involved in the use of force.

F. Role of the Solicitor's Office

1. The Chief of Police, or designee, will notify the Solicitor's Office of police actions that result in death or serious bodily injury.
2. SLED's completed investigative file will be forwarded to the Solicitor's Office for review of potential criminal violations.

G. Public Information Plan

1. In the event of a police action involving serious bodily injury or death, the watch commander or designee is responsible for directing all media on scene to a safe area, within sight and sound of the incident if possible, and for providing media updates.
2. If requested by the watch commander, a member of the public information team will respond to the scene.
3. The public information team will provide public updates on social media sites.
4. If other agencies or organizations are involved, the public information team will coordinate messaging and responses with their staff when possible.

H. Training of Agency Personnel

All personnel will receive awareness training as well as training on their duties and responsibilities as it relates to this procedure.

VII. PROCEDURE FOLLOWING THE USE OF LETHAL FORCE

A. Psychological Services

1. In all cases where any person has been injured or killed as a result of a firearm discharge or as a result of the use of deadly force by an officer, the involved employees will be required to undergo a debriefing with a department-provided mental health counselor or psychologist as soon as possible after the incident. The purpose of this debriefing is to assist the employee in dealing with the emotional and psychological aftereffects of the incident. Given that this is for the benefit of the officer, the debriefing will not be related to any department investigation of the incident. The counselor will, however, provide the department with a recommendation on when the employees will be fit to return to duty. The officer's supervisor will contact the Administrative Division Captain, who will make appropriate arrangements for the debriefing of all employees involved.

2. Administrative Leave and Duty

1. Any officer involved in a deadly force incident will be placed on Administrative Leave directly upon his or her preliminary report of the incident. This initial, non-disciplinary leave shall be without the loss of pay or benefits pending the results of the investigation. The assignment to Administrative Leave shall not be interpreted to imply or indicate that the officer acted improperly. While on Administrative Leave, the officer shall always remain available for official Department business, including interviews and statements regarding the use of force incident, and may be recalled to duty at any time. Upon returning to duty, the officer may be assigned to Administrative Duty for a period of time deemed appropriate by the officer, his counselor or psychologist, and the Chief of Police. The Administrative Captain will notify the officer or officers by letter of their placement on Administrative Leave as well as any subsequent change to Administrative Duty.

VIII. USE OF FORCE DISPOSITION

A. Disposition

1. Upon completion of a use-of-force investigation, supervisors will limit their recommendation in the OPS Records Management System to one of the following dispositions. Matters related to the call for service but unrelated to whether the use of force was justified and reasonable

will be handled via Part B, below:

- a. Justified and Reasonable: "I recommend the officer's, or officers', use of force be found justified and reasonable."
 - i. Justified: The use of force was a justified response to the subject's actions.
 - ii. Reasonable: Officers used only the force necessary to overcome a subject's resistance, or to defend oneself or another.
- b. Justified but Unreasonable: "I recommend the officer's, or officers', use of force be found justified but unreasonable."
 - i. Justified: The use of force was a justified response to the subject's actions.
 - ii. Unreasonable: More force than reasonable, by method, manner or duration, e.g., more taser cycles than necessary, was used leading to a conclusion of excessive force.
 - iii. Unjustified and Unreasonable: "I recommend the officer's, or officers', use of force be found unjustified and unreasonable."
 - i. Unjustified: If a use of force was not a warranted response to a subject's actions, then it was unjustified, and will, therefore, always be unreasonable.

B. Personnel Matters

1. Violations of the Constitution, laws, and department policy, which do not relate to whether a use of force was justified and reasonable, will be investigated and disposed of as a personnel matter separate and apart from the use of force.
2. Supervisors will review the entire call for service in which the use of force arose and address any issues they observe.
3. Supervisors will complete a written summary of the incident, which must include, at a minimum, the date, time, incident number, officers involved, issues, summary of the facts, and a recommended fix, i.e., corrective action.

4. As part of the investigation, supervisors will speak with officers to allow them to explain their actions in order to avoid misconceptions. Moreover, officers may provide facts that mitigate the circumstances.
- C. Corrective Actions will be varied and may include, but are not limited to, the following:
1. Equipment malfunction requiring follow-up to repair or replace.
 2. Remedial training in a specific area for the officer or officers involved.
 3. Training inadequacy requiring department-wide training and follow-up with the Training Unit to perform.
 4. Disciplinary action.
 5. Policy amendment required to clarify or update a particular practice.
- D. Supervisors will forward their summary and recommendation to their Division Lieutenant, who will add their recommendation, and then forward it to the Division Captain. No corrective action will be administered until approved by the Division Captain, Assistant Chief, or Chief of Police, except for safety issues, such as a malfunctioning piece of equipment or vehicle, which must be addressed immediately.
- E. Records Retention
1. After the Supervisor and Lieutenant have signed off on a Use of Force within the OPS Records Management System and both have signed off on any corrective action to include disciplinary action, if applicable, the Division Captain will approve it within the OPS Records Management System for submission for storage into IA Pro for the Office of Professional Standards. Only the Chief of Police may sign off on uses of force resulting in death or serious injury.

IX. COMMAND REVIEW OF USE OF FORCE REPORTS

- A. The Assistant Chief will review all uses of force where the determinations are anything other than “justified and reasonable”. The cases will be reviewed and investigated further by the Assistant Chief, and a report will be prepared for the Chief of Police. This report will contain a recommendation for corrective action.

- B. The Chief of Police shall convene a special Command Staff meeting once annually to review a summary of all Use of Force reports submitted in the previous 12 months in order to examine them for overall patterns of force usage, equipment needs, training needs, and possible policy needs or amendments that were not immediately addressed as a result of an individual use of force.