

## Use of Force Levels Reporting Language Proposal (revised 6/26/20)

### **300.6 REPORTING REQUIREMENTS**

All uses of force shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident and the level of force used. The officer should articulate the factors perceived and why he/she believed the use of force was objectively reasonable and necessary under the circumstances. Whenever an officer or employee uses Oleoresin Capsicum (pepper spray) he or she must also complete a "Use of Pepper Spray Report."

Upon receiving notification of a use of force, an uninvolved supervisor, when feasible, will determine the level of force reporting level, investigation, documentation and review requirements.

**[It might be helpful to add something general like this here, too:**

#### **300.6.1 SUPERVISOR RESPONSIBILITY**

**When a supervisor is able to respond to an incident in which there has been a reported application of force and the scene is secure, the supervisor is expected to:**

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.**
- (b) Ensure that any injured parties are examined and treated.**

**We could combine this concept with the second paragraph above under the heading Supervisor Resp. and tweak it as necessary to avoid duplication in later sections. If we do that, we'd change the number of the next section to 300.6.2.]**

### **300.6.1 USE OF FORCE REPORTING LEVELS**

#### **Level 1**

(a) Subject allowed him/herself to be searched, escorted, and/or handcuffed. The officer did not use force to overcome resistance, nor did the officer use force in the absence of resistance.

(b) The officer used any of the following, and the circumstances of the application would lead an objectively reasonable officer to conclude that the subject did not experience more than momentary discomfort:

1. Control holds/pressure point application
2. Leverage
3. Grab
4. Bodyweight
5. The officer lowered the subject to a seated position or to the ground while partially or completely supporting the person's bodyweight.

(c) Drawn/deployed firearm, but no suspect contacted or arrested

Officers shall document Level 1 actions in a police report, citation, Field Interview, and / or CAD entry. Supervisors will review police report narratives for approval.

## **Level 2**

(a) No suspect injury or complaint of continuing pain due to interaction with officer.

(d) Officer's use of force was limited to the following:

1. Any takedown that did not appear to cause more than momentary discomfort.
2. Firearm drawn/deployed but not fired, suspect contacted.
3. Control hold, pressure point, leverage, grab, and/or bodyweight, and the application would lead a reasonably objective officer to conclude that the individual may have experienced more than momentary discomfort.

An uninvolved supervisor, when feasible, will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses, and that photos are taken of all involved parties. If the incident fits the parameters for a Level 2 incident, the supervisor will enter all applicable data into Blue Team and attach a completed Use of Force Investigation Checklist with a brief summary.

## **Level 3**

(a) Would have otherwise been classified as a Level 2, except one or more of the following apply:

1. Suspect injury or complaint of injury or continuing pain due to interaction with the officer.
2. Officer body worn camera was not activated in a timely manner, prior to the enforcement contact, per policy.

(b) The officer used any of the following force options:

1. Any takedown that appears to have caused more than momentary discomfort.
2. Chemical Agents/Munitions
3. Impact Weapon Strikes
4. Personal Body Weapons

An uninvolved supervisor, when feasible, will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses. If the incident fits the parameters for a Level 3 incident, the supervisor will enter all applicable data into Blue Team and attach a completed Use of Force Investigation Checklist.

The supervisor will also complete a Use of Force Investigation Report narrative for review through the Use of Force Review process. Suspect and witness statements from the crime report will be attached to the use of force investigation.

## **Level 4**

Any incident involving deadly force or any force likely to cause death or serious bodily injury will be investigated under the protocols outlined in Policy P-12.

### **300.6.2 EMPLOYEE USE OF FORCE**

When any Berkeley Police Department employee has a use of force as defined in this policy, the use of force must be reported to a Berkeley Police supervisor and investigated in accordance with this policy.