

SWARTHMORE BOROUGH POLICE DEPARTMENT



Policy Directive 1.3.6 – Use of Force Reporting

Chapter:	Organization and Management Role	Directive:	1.3.6
Section:	Use of Force	Effective Date	8/11/2014
Title:	Use of Force Reporting	Issue Date:	1/11/2020
Issued By:	Raymond C. Stufflet, Chief of Police	Reevaluation Date:	1/11/2022

Replaces:	All Previous Directives Relative To This Subject		
Distribution:	All Police Department Personnel		
Pennsylvania Accreditation References:			1.3.6
Related Documentation:	Use of Force Form		

I. PURPOSE

It is the purpose of this policy directive to provide members with guidelines for reporting use of force.

II. POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the police agency and the jurisdiction that provides this authority. As such, it is the policy of the Swarthmore Borough Police Department that use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved members and in accordance with this policy directive.

III. DEFINITIONS

- A. **Use of Force:** Use of force is the amount of effort required by police to compel compliance from a person. Except as noted below, this includes any use of force occurring while the member is acting in an official law enforcement capacity. This includes undercover, plainclothes, or uniform assignments, whether on or off duty.
- B. Police use of force is recognized in the following categories:
 - 1. **Physical Force:** Use of any part of the member's body to compel compliance.
 - 2. **Chemical Force:** Use of any CN, CS, Mace, or OC aerosol or foam spray to compel compliance.
 - 3. **Impact Force:** Use of any object (baton round, bean bag round, baton, flashlight, ballistic shield, or other device) as a less-lethal weapon to compel compliance.

Policy Directive 1.3.6 – Use of Force Reporting

4. Electronic Control Weapons Force: Use of an electronic control device such as a Taser, stun gun, stinger, or other electronic weapon.
5. Firearms Force: The discharge of a firearm to compel compliance.
6. Exceptions: Police actions not included in the above definitions are:
 - a. Handcuffs when used as a restraint in arrest and transport activities;
 - b. Transport by vehicle;
 - c. Physical removal of peacefully resisting demonstrators;
 - d. Presence of police officers;
 - e. Police issuance of verbal commands.

IV. PROCEDURE

- A. All incidents of use of force that occur within the jurisdiction of the Swarthmore Borough Police Department will be reported in accordance with this policy. All involved officers, regardless of agency, will be documented in the reports.
- B. A member of this department involved in a use of force incident will comply with the requirements of the agency with jurisdiction. The involved Swarthmore police officer(s) will comply with the requirements of this policy directive in addition to those of the agency with jurisdiction. Conflicts should be brought to the attention of the chief of police as soon as possible to insure timely resolution. Copies of pertinent reports will be requested from that agency.
- C. All incidents of firearms discharge and/or use of an electronic discharge weapon (Taser) will be immediately reported to the officer's immediate supervisor and documented on the Use of Force Form, except during range practice, hunting, or competitive sporting events. In the event the immediate supervisor is not available the chief of police will be notified.
- D. For any suspect who has been injured, or who alleges to be injured, a Use of Force Report form shall be completed by the member involved in the incident. This will be in addition to any other required Swarthmore Borough Police Department reports.
- E. Members shall make an immediate verbal report to their supervisor and complete the Use of Force Form anytime physical force is used to overcome active resistance to an arrest or any device is used other than handcuffs. In the event the immediate supervisor is not available the chief of police will be notified.
- F. If the immediate supervisor is not on duty at the time of notification he/she will make a determination if an immediate response is necessary based on the totality of the circumstances and seriousness of any injuries. The supervisor will respond in person if there is a serious injury to an officer or prisoner, if an involved party is admitted to a hospital or medical facility, or if a fatality is involved. In the event the immediate supervisor is not available the chief of police will be notified. In all instances where the supervisor determines an immediate response is necessary the chief of police will be notified.

Policy Directive 1.3.6 – Use of Force Reporting

- G. Instances resulting in the display of a firearm or electronic control weapon (Taser) will be reported on a Use of Force form. Where no additional force is used other than the display of the weapon the report will be completed and submitted to the immediate supervisor. No immediate reporting is required. However, if the weapon is used the procedures above will be followed. Exception - when weapons are drawn to check and clear an alarm or open property. However, if an individual other than responding police is encountered during this process a report will be completed.
- H. The immediate supervisor shall review all Use of Force Forms to determine adherence to policy and procedures, completeness of the report, and to detect and correct any training deficiencies.
- I. Responsibility for Reporting
 - 1. Supervisory members shall investigate and report on uses of force as directed in this policy directive, and ensure that the Use of Force Form is being completed by the involved member or other member involved in the incident.
 - a. Each member who uses force in an incident shall be listed on the Use of Force Form.
 - b. All Use of Force Forms shall specify the actions of the suspect that necessitated the use of force, the reasons why the member used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.
 - c. The arresting member shall notify transporting members if force was used on the suspect, or if the suspect has an injury or complaint of pain.
 - 2. The Use of Force Report will be submitted to the immediate supervisor and forwarded to chief of police. The Use of Force Report is an internal management document and will not be attached to the incident report. Use of Force reports will be kept in a separate file and will not be released without the authorization of the chief of police.
- J. Referral / Transport for Medical Attention Following Use of Force Incidents
 - 1. Arresting and transporting members shall ask prisoners whether they are injured or ill.
 - 2. Prisoners shall be examined by an appropriate health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
 - a. is struck on the head with an impact weapon or other hard object;
 - b. is restrained about the neck or throat;
 - c. is struck with an extended range impact device such as a Bean Bag or Baton Round (see policy directive 1.3.8b).
 - d. is bitten by a police canine from another agency.
 - e. is hit or affected by an electronic control weapon.

Policy Directive 1.3.6 – Use of Force Reporting

3. An injured prisoner shall not be admitted to, or held in, a department holding cell or processing area without first being examined and released by a physician or qualified health care provider.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the prisoner by an appropriate health care provider.
 - b. Refusal of treatment shall be documented and verified by the member and attending physician or health care provider.

K. Supervisory Responsibilities

1. A member's immediate supervisor shall be notified and shall, if necessary, respond to any incident of use of force in accordance with paragraph IV, D above. In the event the immediate supervisor is not available the chief of police will be notified. In any instance of use of force, the supervisor shall:
 - a. Preliminarily document the member's and suspect's statements of actions taken, injuries sustained, and medical treatment needed or desired;
 - b. identify / interview witnesses as appropriate;
 - c. protect, as necessary, the scene of the incident;
 - d. interview any health care provider concerning the injuries sustained and their consistency with uses of force;
 - e. in the case of serious injury or death complete a written report.
 - f. in all cases ensure that the Use of Force Report is being completed by the arresting member or other member involved in the incident.
2. Cases resulting in serious injury or death.
 - a. The immediate supervisor shall notify the chief of police in cases involving the serious injury, or death, of a person resulting or allegedly resulting from a member's use of force.
 - b. The supervisor shall coordinate and assist in conducting the investigation.
 - c. The chief of police will coordinate the notification of The Delaware County District Attorney's Office and the Office of County Detectives.
3. The supervisor shall prepare and submit to the chief of police a complete review of any use of force.

Policy Directive 1.3.6 – Use of Force Reporting

- L. Administrative Review of Use of Force
 - 1. All reported use of force incidents will be reviewed by the appropriate immediate supervisor to determine whether:
 - a. Departmental rules, policy or procedures were violated,
 - b. The relevant policy was clearly understandable and effective to cover the situation;
 - c. Department training is currently adequate.
 - 2. All findings of policy violations or training inadequacies shall be reported to the chief of police for resolution and/or discipline.
 - 3. All use-of-force incident reports shall be retained in the office of the chief of police.
- M. Annual Report Analysis of Use of Force Reports - there will be a regular review and annual analysis of use-of-force incidents by the chief of police to ascertain training and policy needs. This review will show patterns or trends that could indicate training needs and policy modifications.