

RESPONSE TO RESISTANCE – USE OF FORCE REPORTING REQUIREMENTS

PREAMBLE:

The Omaha Police Department strives to protect and serve all citizens and at the same time respect the rights of suspects and balance the need for officer safety. The Omaha Police Department believes any use of force should be thoroughly and accurately documented by each responding officer.

POLICY:

The Omaha Police Department (OPD) will collect data on arrests involving the use of physical force by officers. The information collected will be used for management purposes, to assess future training needs and to comply with accreditation standards. Officer responses from the Actively Resistive Category or higher require further scrutiny due to the risk of injury to both the citizen and officer.

PROCEDURES:

I. General Use of Force Reporting Requirements

A. Chief's Report ([OPD Form 214](#)) Requirements.

1. Officers will document in detail their own use of force and the individual justification for the force used on a Chief's Report when an interaction with a citizen results in an Officer Response from the Actively Resistive Subject Category or higher.

NOTE: Officers shall articulate in the Chief's Report why lesser officer response would have been ineffective, for Actively Resistive Subjects, when an ECD, Impact Weapon, or Less-Lethal Launcher is used.

- a. This report will be completed in addition to any other official reports completed for the incident.
2. Officers ARE NOT required to complete a Chief's Report to document the use of handcuffs or strength techniques.
3. The officer will document the following information in the Chief's Report either via check-box/text-box or in the narrative portion of the report:
 - a. Citizen actions and resistance offered which led the officer to respond with force.
 - b. Any attempts to mitigate the need to use force, including commands or other de-escalation tactics.
 - c. Citizen actions once force was used.
 - d. Injuries sustained by the citizen will be described in the narrative portion and indicated via the check-boxes on the form.
 - e. If the citizen received medical attention, officers will indicate where the medical attention was given and if that medical attention was the result of:
 - (1) An injury.
– OR –
 - (2) Required by policy.

4. Use of force involving officer responses from the Passively Resistive Subject Category or lower will not be an identified incident as defined by the Early Intervention Tracking System (EITS) unless the officer's use of force is found to be "Not in Compliance with Policy" (NCP).
 5. Officers will complete a Chief's Report regardless of their duty status if the interaction is under the color of official authority and the use of force requires a Chief's Report.
 - a. If officers are off-duty when an incident occurs, they shall complete the Chief's Report immediately upon the start of their next duty shift, unless a command officer directs them to complete the Chief's Report immediately.
- B. Use of Force Chief's Report Packets.
1. All reports related to the use of force incident will be attached to the Chief's Report.
 - a. The Chief's Report ([OPD Form 214](#)) serves as the cover sheet to the Chief's Report Packet.
 2. Chief's Report Packets will be reviewed as described in the OPD "Chief's Reports" policy except when:
 - a. Officers respond from multiple precincts or sections.
 - (1) The Chief's Report Packet will be forwarded through the geographic precinct chain of command when the incident involves two or more submitting officers from different chains of command.
 - b. Use of force occurs during off-duty employment.
 - (1) If on-duty officers are called to assist the reporting off-duty officer, and on-duty officers are required to complete a Chief's Report, the precinct captain for the on-duty officers will review the entire incident and consult the off-duty officer's captain prior to making any final recommendations.
 - (2) If no on-duty officers are called to assist one or more reporting off-duty officers, the off-duty officer's chain of command will review the entire incident and consult with the other off-duty officer's captain prior to making any final recommendations. The precinct captain where the incident occurred will receive a copy of the original reports and Chief's Report.
- C. Annual Use of Force Analysis.
1. The Research and Planning Unit will be responsible for completing an annual Use of Force Analysis examining the Department's use of force activities, policies, and practices.
- D. Safety Review Board End of Year Summary.
1. The Chairperson of the Safety Review Board may provide an end of year summary that identifies emerging trends or changes in use of force by officers as well as training recommendations if applicable.
 - a. The summary will be forwarded to the Office of the Chief of Police.

II. Carotid Restraint Control Hold (CRCH) Reporting Guidelines

- A. Officers will complete a Chief's Report when the CRCH is used, regardless of success of the hold, or whether the officer was unable to successfully apply the hold for any reason.
 - B. The Chief's Report will include the following information:
 - 1. A brief synopsis of the interaction will be completed listing the subject's behavior, including the Subject Interaction Category, or circumstances that led the officer to believe the use of the CRCH was appropriate.
 - a. The officer will check the box to indicate whether the CRCH was used as a Control Technique or to Prevent Destruction of Evidence
 - 2. Details about the application of the CRCH will include:
 - a. The use of loud, repetitive, verbal commands.
 - b. Relaxing of the CRCH hold with compliance by the suspect (if compliance achieved).
 - c. Whether the suspect lost consciousness and, if so, the medical attention that was provided.
- NOTE:** Medical attention is required whenever a subject loses consciousness.
- d. Whether evidence was obtained if the CRCH was used to obtain evidence.
- C. In the event the subject is injured by the application of the CRCH, Section VIII or IX will be followed as appropriate.

III. Chemical Agent Reporting Guidelines

- A. Officers will complete a Chief's Report whenever a chemical agent is targeted at a specific person or group of people. A Chief's Report is not required when a chemical agent is used on an animal.
- B. The Chief's Report will include the following information:
 - 1. A brief synopsis of the interaction, including the Subject Interaction Category.
 - 2. The amount of chemical agent used by the officer(s) (as denoted in number and duration of sprays in seconds).
 - 3. The approximate distance from the subject at which the agent was deployed.
 - 4. The officer's actions after the deployment of the chemical agent.
 - 5. Whether professional medical attention was offered and/or first aid measures were taken (including times administered).
 - 6. Any instructions given regarding decontamination.
- C. If a citizen reports to an OPD officer that they were injured or exposed to a chemical agent, and the citizen was not the intended target of the chemical agent, or was part of a large crowd that was dispersed, the officer who receives the information will:

1. Complete an Incident Report ([OPD Form 189](#)).
 - a. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Injury” in the “Offense” field.
 - b. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “Injury” in the “Offense” box.
2. Complete a Chief’s Report in order to initiate a review of the incident and document the possibility of liability against the City.
3. The reviewing supervisor will attempt to identify the original event that caused the suspected injury so that the injury can be appropriately linked to the correct incident.

IV. Electronic Control Device (ECD) Reporting Guidelines

- A. Officers will complete a Chief’s Report when an ECD is deployed.
 1. Forensic Investigations will be requested to take photographs when a subject is struck by any probe that breaks the skin, or a ‘drive stun’ is deployed.
 - a. Photos will be taken of the entire area of the subject’s body that was struck as well as any secondary injuries received from/after the deployment.
- B. Officers will document the following information either via check-box/text-box or in the narrative portion of the report:
 1. The ECD weapon serial number.
 2. The cartridge serial number.
 3. The number and duration of energy cycles given to subject.
 4. Any medical treatment given to the subject.
 5. A brief synopsis of the interaction, including the Subject Interaction Category.
 6. The approximate distance in which the officer engaged the subject.
 7. The location of both probes (or ‘drive stun’ contact) on the subject’s body.
 8. The subject’s actions after being struck by the ECD.
 9. Any injuries the subject received

NOTE: Officers will differentiate between secondary injuries that may occur from subject falling to the ground and primary injuries received directly from the ECD.
- C. In the event the subject is injured by the deployment of an ECD, Section VIII or IX will be followed as appropriate.
 1. The Chief’s Report is the only required report when an ECD is deployed on an animal.
- D. ECD Data Port Download.
 1. The OPD ECD Coordinator will track ECD data port information annually.

2. In the event of a questionable deployment, or deployment leading to serious injury, the ECD data port information may be downloaded at the request of the Internal Affairs Unit or Homicide Unit.

V. Impact Weapon Reporting Guidelines

- A. Officers will complete a Chief's Report when an impact weapon, including an improvised impact weapon, is used to subdue a subject.
 1. If an improvised weapon is used, officers will detail the rare and unique circumstances justifying the use of the improvised weapon in the Chief's Report.
- B. The Chief's Report will include the following information:
 1. A brief synopsis of the interaction, including:
 - a. The officer's observations and response.
 - b. The Subject Interaction Category including the subject's actions, comments, and demeanor.
 - c. The Officer Response Technique(s) used to subdue the subject.
 2. The method of application.
 - a. Forward strike, backhand strike, forward block, backhand block, or other method.
 3. The number of strikes.
 4. The precise part of the subject's body struck including:
 - a. Whether the part of the body struck was a Low Lethality or Vital Target Area.
 - b. If the part of the subject's body struck was not the officer's intended Target Area, include the circumstances explaining why the intended Target Area was not struck.
 5. The nature of any injuries.
 6. Who offered or requested medical treatment and the nature and location of any treatment.
 - a. If medical attention is refused, the exact time, day, date, and exact words used by the subject to refuse treatment will be included.
- C. In the event the subject is injured by the use of an impact weapon, Section VIII or IX, as appropriate, will be followed.

VI. Less-Lethal Projectile Reporting Guidelines

- A. Officers will complete a Chief's Report when less-lethal weapon systems are used.
 1. When a subject is struck by a less-lethal projectile, OPD Forensic Investigations employees will be requested to take photos of the area of the subject's body that has been struck.

- B. The Chief's Report will include the following information:
1. A brief synopsis of the interaction, including the Subject Interaction Category.
 2. The type of less-lethal weapon system and projectile deployed.
 3. The number of less-lethal rounds fired at the subject and where those rounds impacted on the subject's person, if known.
 4. The distance the officer engaged the subject with the less-lethal weapon system.
 5. The subject's actions after being struck by the less-lethal rounds.
 6. Any professional medical attention offered and/or the first-aid measures taken, including the time(s) administered.
 7. Any instructions given regarding decontamination.
- C. An Incident Report will be completed.
1. Officers who complete an electronic Incident Report will select the "Non-Criminal" Incident Type and enter "Injury" in the "Offense" field.
 2. Officers who complete a paper Incident Report will check the "Non-Criminal" box and enter "Injury" in the "Offense" box.
- NOTE:** An Incident Report is not required if a less-lethal weapon system or projectile is used on an animal. Only the Chief's Report will be completed in this circumstance.
- D. The OPD Safety Review Board will forward a copy of the Chief's Report Packet to the Training Unit so each incident may be evaluated to determine the effectiveness of the less-lethal weapon system.

VII. Discharge of Firearms

- A. Officers will complete a Chief's Report when an officer discharges a firearm either intentionally or accidentally.
1. A Chief's Report is not required when:
 - a. The discharge is during an OPD training or qualification shoot.

EXCEPTION: A Chief's Report will be completed if the officer's discharge of the firearm is believed to be "Not in Compliance with Policy" (NCP). A command officer will determine if the firearm discharge was possibly NCP.
 - b. The discharge is for practice while the officer is off-duty.
 2. The Chief's Report will be completed in accordance with the OPD "[Response to Resistance – Investigative Process for Use of Force Incidents Involving Serious Injury or Death](#)" policy if the discharge results in serious injury and/or death.
- B. The Chief's Report will include the following information:
1. A brief synopsis of the details of the discharge.

2. The type of firearm discharged.
 3. The number of shots fired.
 4. Any known damage to property caused by the discharge.
- C. An Incident Report will be completed if any property with a known owner, including an animal, is damaged or destroyed.
1. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Non-Criminal DOP” in the “Offense” field.
 2. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “DOP” in the “Offense” box.
- D. All other reports concerning the incident will be completed per OPD policy.

VIII. Use of Force Involving Non-Serious Injury

- A. Officers will complete a Chief’s Report when an officer’s interaction with a subject causes any injury.
1. An injury is an actual injury visible to the officer or an injury identified by the subject.
 2. A Chief’s Report is required if the subject alleges they are injured.
- B. The Chief’s Report will include the following information:
1. A brief synopsis of the interaction, including the Subject Interaction Category.
 2. The type of Officer Response technique used.
 3. A description of the actual injury or the subject’s claim of injury.
 4. The subject’s actions after the application of the Officer Response technique.
 5. Any professional medical attention offered and/or the first-aid measures taken, including the time(s) administered.
- C. An Incident Report will be completed.
1. Officers who complete an electronic Incident Report will select the “Non-Criminal” Incident Type and enter “Injury” in the “Offense” field.
 2. Officers who complete a paper Incident Report will check the “Non-Criminal” box and enter “Injury” in the “Offense” box.
- D. All other reports concerning the incident will be completed per OPD policy.

IX. Use of Force Involving Serious Injury and/or Death

- A. A Chief’s Report and all other reports required shall be completed as described in the OPD [“Response to Resistance – Investigative Process for Use of Force Incidents Involving Serious Injury or Death”](#) policy.

X. Canine/Police Service Dog Use of Force

- A. A Chief's Report will be completed when a Canine/Police Service Dog (PSD) deployment results in a use of force against a subject.
- B. The Chief's Report will be completed by or at the direction of the Canine Unit Sergeant in accordance with Canine Unit Use of Force Investigations procedures.
- C. All other reports concerning the incident will be completed per OPD policy.
 - 1. A copy of all other reports will be sent to the Canine Unit Sergeant.
 - 2. The Canine Unit Sergeant will assemble the Chief's Report Packet and submit the Packet per this policy.

REFERENCES:

I. Previous OPD Orders

- A. Previous OPD General Orders are #8-13, 12-14, 12-14 Supplement #1, 67-15, 18-16, 115-16, 42-18, 42-18 Supplement #1, and 17-20.

II. Accreditation Standards

- A. CALEA Accreditation Chapter 1 is relevant to this policy.