CITY OF PORTLAND, OREGON

Bureau of Police
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EXECUTIVE ORDER

DATE: March 11, 2008

TO: All Members

RE: DIR 1010.20 Physical Force

ACTION: This directive has been significantly revised. All members should review content.

1010.20 Physical Force
Revision # 5
Index: Title:
Refer: ORS 161.015 (7) Physical Injury, defined
ORS 161.205 – 161.265 Use of Physical Force
DIR 630.45 Emergency Medical Custody Transports
DIR 630.50 Emergency Medical Aid
DIR 910.00 Field Reporting Handbook Instructions
DIR 940.00 After Action Reports

POLICY (1010.20)

The Portland Police Bureau recognizes that duty may require members to use force. The Bureau requires that members be capable of using effective force when appropriate. It is the policy of the Bureau to accomplish its mission as effectively as possible with as little reliance on force as practical.

The Bureau places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The Bureau also places a high value on the use of de-escalation tools that minimize the need to use force.

The Bureau is dedicated to providing the training, resources and management that help members safely and effectively resolve confrontations through the application of de-escalation tools and lower levels of force.

It is the policy of the Bureau that members use only the force reasonably necessary under the totality of circumstances to perform their duties and resolve confrontations effectively and safely. The Bureau expects members to develop and display, over the course of their practice of law enforcement, the skills and abilities that allow them to regularly resolve confrontations without resorting to the higher levels of allowable force.

Such force may be used to accomplish the following official purposes:

a. Prevent or terminate the commission or attempted commission of an offense.
b. Lawfully take a person into custody, make an arrest, or prevent an escape.
c. Prevent a suicide or serious self-inflicted injury.

d. Defend the member or other person from the use of physical force.
e. Accomplish some official purpose or duty that is authorized by law or judicial decree.

When determining if a member has used the least force reasonably necessary to resolve a confrontation safely and effectively, the Bureau will consider the totality of circumstances faced by the member, including the following:

a. The severity of the crime.
b. The impact of the person's behavior on the public.
c. The extent to which the person posed an immediate threat to the safety of officers, self or others.
d. The extent to which the person actively resisted efforts at control.
e. Whether the person attempted to avoid control by flight.
f. The time, tactics and resources available.
g. Any circumstance that affects the balance of interests between the government and the person.

The Bureau's levels of control model describes a range of effective tactical options and identifies an upper limit on the force that may potentially be used given a particular level of threat. However, authority to use force under this policy is determined by the totality of circumstances at a scene rather than any mechanical model.

PROCEDURE (1010.20)

Directive Specific Definitions

Force: Physical contact that is readily capable of causing physical injury, as well as the pointing of a firearm.

Physical injury: As defined in ORS 161.015 (7), the impairment of physical condition or substantial pain.

Precipitation of Use of Force Prohibited (1010.20)

Members should recognize that their approach to confrontations may influence whether force becomes necessary and the extent to which force must be used.

Members must not precipitate a use of force by placing themselves or others in jeopardy through actions that are inconsistent with the Police Bureau's defensive tactics and tactical training without a substantial justification for variation from recommended practice.

Vehicles (1010.20)

Due to the risks involved, members should not enter an occupied vehicle capable of being driven (i.e., engine running or keys in the ignition) except to address an immediate threat of death or serious physical injury to any person.

Post Use of Force Medical Attention (1010.20)

When a member is involved in the use of force in which physical injury has occurred or there is reason to believe there may be a physical injury, the member, if able, shall:

a. Continually monitor the subject if tactically appropriate or feasible. The member shall monitor the person for changes in skin or lip color, breathing and levels of consciousness. If any significant changes in any of these areas are observed, the member shall notify EMS immediately. See DIR 630.50 Emergency Medical Aid for further requirements.
b. Request EMS evaluate and treat those persons involved and injured prior to removal from the scene.
c. When pepper spray has been applied to a person, make every attempt to provide relief from the pepper spray exposure and move the person into an area of open air.

d. Contact the immediate supervisor and brief the supervisor on the incident.
e. Have the person transported to a medical facility for additional treatment if recommended by EMS. See DIR 630.45 Emergency Medical Custody Transports for important additional direction on transporting injured subjects.
f. When transporting a person from hospital treatment to a correctional facility, notify a corrections staff member of the extent of the person's injuries and medical treatment given and provide the corrections staff with the person's medical release forms from the medical facility.

If a person has been placed in maximum restraints or on the ground for control, members must do the following as soon as practical:

a. Release pressure/weight from the person's back or upper body.
b. Check and continue to monitor the person's breathing and pulse until EMS arrives.
c. Place the person in a seated position or position the person on their side to reduce the possibility of breathing problems by reducing the restriction to the person's diaphragm.
d. Provide EMS with an update on the person's condition if it appears to worsen.

For important additional guidance on transporting injured persons, see DIR 630.45 Emergency Medical Custody Transports.

Duty to Report and Notification and Reporting (1010.20)

Members have a duty to report any use of force that violates this Directive.

Members shall make a report when they use force to their supervisor or designee. Reports must be complete and accurate and describe the subject's behavior and the justification for the force used including a description of the totality of circumstances that existed.

A member who causes physical injury or who takes a person to the ground by applying force will complete a Force Data Collection Report (FDCR) in addition to any other reports required by Bureau policy. A member who applies a control hold that does not cause physical injury is not required to complete a FDCR for the control hold application. A member who applies a hold to gain control of a person, who follows commands and goes to the ground voluntarily without the application of additional force, is not required to complete a FDCR.

If the primary report and FDCR covering the specific incident are completed by one member, and another member used physical force in the incident, then each member who used physical force will complete a FDCR. The only exception to this is when the use of force was pointing a weapon at one or more persons (i.e., during a high risk stop). In that case only one FDCR need be completed.

The following circumstances do not require a FDCR:

a. Bureau approved training exercises (i.e., an in-service patrol tactics class).
b. A member unknowingly points a weapon at a person during a building search or other high risk situation (i.e., an undiscovered person was hiding behind an object at which a member pointed a weapon).

If a member's use of force results in a person being admitted to an overnight hospital stay for treatment, a supervisor will complete an after action report. The supervisor will forward the after action report, through their chain of command, to the appropriate Branch chief. The member's RU manager will forward a copy of the after action to the Internal Affairs Division and the Training Division.

If the member is injured and unable to submit a report, the report regarding the use of force will be completed by an on-duty supervisor. Supervisors will be notified as soon as possible of the use of physical force which requires any person to receive medical attention.

Supervisors will ensure that members comply with the reporting requirements. Members shall follow DIR 940.00 After Action Reports as it pertains to specific reporting requirements.

Canine (K-9) Bites (1010.20)

Canine handlers shall complete a FDCR for all bites that follow a member's intentional application of a police canine for the purpose of biting. The canine's handler will articulate the justification for the application of the canine and will state whether the bite was directed or not directed by the handler.

All police canine bites will be administratively reported by a supervisor, through channels, to the appropriate Branch chief in an after action report using the Bureau's standard format.

Handcuffing (1010.20)

Although handcuffing is not defined as physical force in this directive, Bureau policy requires that members document each handcuffing in a police report (i.e., Investigation, Custody or Special).

Supervisor Responsibilities (1010.20)

a. Supervisory Review of Reports
   Supervisors shall review all reports of force to determine if the reports are complete and accurate and whether the force was justified under this policy. Supervisors shall address deficiencies in reports promptly.
b. Discipline Case Review Process
   Supervisors are required to address all requirements of force policies when preparing proposed findings in misconduct investigations and must include all available information on the totality of circumstances.

Semi-annual Review of Use of Force (1010.20)

The Police Bureau will provide the training, resources and management necessary to help members comply with this directive.

Each operational unit will identify a unit-based group to review the unit's force practices and assist supervisors in conducting semi-annual reviews of each member's performance in confrontations. The reviews are a training function, and not a part of the discipline process. The goals of the review effort are to:

a. Ensure consistency and fairness.
b. Provide feedback to officers on force and confrontation decision making.
c. Identify training needs based on trends.
d. Create a positive learning environment.

FOR MORE INFORMATION:
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