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0910.00, Use of Force Reporting, Review, and Investigation

First Universal Review: 11/15/23 – 12/15/23

Refer:

- *Graham v. Connor*, 490 U.S. 386 (1989)
- ORS § 161.015, General Definitions
- ORS 161.195, “Justification” described
- ORS 161.205, Use of physical force generally
- ORS 181A.708, Use of chemical incapacitants, kinetic impact projectiles and sound devices
- DIR 0315.30, Satisfactory Performance
- DIR 0330.00, Internal Affairs, Complaint Intake and Processing
- DIR 0333.00, Criminal Investigations of Police Bureau Employees
- DIR 0335.00, Discipline Process
- DIR 0338.00, Discipline Guide
- DIR 0345.00, Employee Information System
- DIR 0416.00, Critical Incident - Temporary Altered Duty
- DIR 0630.05, Vehicle Interventions and Pursuits
- DIR 0630.45, Emergency Medical Custody Transports
- DIR 0630.50, Emergency Medical Aid
- DIR 0631.70, Investigation of Animal Problems
- DIR 0635.10, Crowd Management/Crowd Control
- DIR 0640.02, Photography and Digital Imaging
- DIR 0850.20, Mental Health Crisis Response
- DIR 0900.00, General Reporting Guidelines
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures
- DIR 1015.00, Less Lethal Weapons and Tools
- DIR 1020.00, Weapons Administration
- DIR 1021.00, Weapons Qualifications
- PPB Canine Unit Standard Operating Procedures

Definitions:

- **Administrative Review:** A written determination that requires the gathering and evaluating of information to develop a course of action.
- **After Action Report:** A written report that describes a police action and assesses its adherence to policy through critique and evaluation using required criteria.
- **Boxing In:** A coordinated tactic of making contact between police vehicles and a subject vehicle to stop or prevent the start of a pursuit.
 - **Dynamic Box-In:** A box-in performed on a vehicle that is in motion.
 - **Static Box-In:** A box-in performed on a vehicle that is not in motion, and that is not reasonably likely to cause physical injury or significant damage.

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- **Complaint of Improper Force:** A complaint by a person at the scene, or while in police custody, of improper force during a police action. Complaints of improper force include complaints of inappropriate and/or excessive force.
- **Complaint of Physical Injury:** An assertion by a person that a member caused the person physical injury.
- **Conducted Electrical Weapon (CEW):** A weapon, including Tasers, designed primarily to discharge electrical charges into a person that will cause involuntary muscle contractions and overrides the person’s voluntary motor responses.
 - **Arcing:** Activating a CEW without discharging the probes or making contact with a person, to serve as a warning to the person.
 - **CEW Application:** The contact and delivery of an electrical impulse to a person using a CEW.
 - **CEW Cycle:** An activation of the CEW for a duration of up to five seconds.
- **Constitutional Force Standard (*Graham* Standard):** Under *Graham v. Connor* and subsequent cases, the federal courts have established that when determining whether to use force, members must balance the individual’s Fourth Amendment rights against the government’s interest. When using force under this standard, members shall only use force necessary to accomplish a lawful objective, and the force must be objectively reasonable under the totality of the circumstances.
- **Cover Fire:** Member discharge of a firearm in a tactical situation in response to the ongoing threat of the use of deadly physical force by a person, when direct action against the person is not feasible. Cover fire is not intended to strike a person, but is meant only to prevent a person from taking further action against the police or others that could result in death or serious physical injury.
- **Critical Firearm Discharge:** Each discharge of a firearm by a member. This term includes cover fire or discharges at persons where no one is struck. This term is not intended to include discharges at the range or in training, or negligent discharges not intended as an application of force, which are still subject to administrative investigation.
- **Deadly Force, also known as Lethal Force:** Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck hold, or strike to the head, neck or throat with a hard object.
- **De-escalation:** A deliberate attempt to prevent or reduce the amount of force necessary to safely and effectively resolve confrontations.
- **Feasible:** When time and safety allow for a particular action.

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- Flash Sound Diversion/Distracton Device (FSDD): A munition that creates intense light and overpressure (sound) through an explosive charge.
- Force: Physical coercion used to effect, influence or persuade an individual to comply with an officer, to include the intentional pointing of a firearm at an individual. Control holds and handcuffing without resistance do not constitute force.
- Hospitalization: Refers to admission to the hospital, and does not include treatment and release in the emergency department.
- Immediate Cover: A member who stands ready to deploy additional control if needed (e.g., the CEW is ineffective or it fails to function properly).
- Improper Use of Force: Any use of force that is inconsistent with PPB policy, training, or law.
- Involved Member: For this directive, an involved member is a Bureau member who is involved in the application of force or directs another to use force.
- Kinetic Impact Projectile (KIP): All non-lethal, less lethal, or semi-lethal projectiles, including but not limited to rubber and plastic bullets, beanbag rounds, sponge rounds, and pellet rounds.
- Less Lethal Weapon: An apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious physical injury than a conventional lethal weapon such as a firearm.
- Mental Health Crisis: An incident in which someone with an actual or perceived mental illness experiences intense feelings of personal distress, a thought disorder, obvious changes in functioning and/or catastrophic life events, which may, but not necessarily, result in an upward trajectory of intensity culminating in thoughts or acts that are dangerous to self and/or others.
- Necessary: No objectively reasonable and effective alternative presently exists to effect a lawful objective.
- Neck hold: When a member knowingly uses physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person. This also includes the carotid restraint hold or lateral vascular neck restraint. A neck hold shall be considered deadly (lethal) force.
- Non-Disciplinary Corrective Action: Action other than discipline taken by a PPB supervisor to enable or encourage a member to improve their performance.

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- Objectively reasonable: The reasonableness of a use of force is based on the totality of circumstances known by an officer at the time of action or decision-making. It shall be judged from the perspective of a reasonable officer on the scene, without the clarity of 20/20 hindsight after the event has concluded. The measure of reasonableness gives consideration to the reality that officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving. In the application or evaluation of the use of force, uses of the terms reasonable and reasonably in this policy refer to objective reasonableness. All assertions of a member’s knowledge, intent, deliberateness, or inadvertence under this policy must be objectively reasonable and the Bureau shall assess all assertions under the objective reasonableness standard.
- Physical Injury: As defined in ORS § 161.015 (7), the impairment of a person’s physical condition or causing a person substantial pain. Substantial pain refers to degree and duration of the pain suffered by the victim; the pain must be considerable and must be more than momentary.
- Resistance: Opposition or obstruction directed towards an officer that impedes a lawful objective. Resistance may consist of the following:
 - Passive Resistance: Non-compliance or non-cooperation with an officer’s lawful order that is non-violent, and does not involve active conduct or pose an immediate threat to the officer or the public.
 - Active Resistance: A person’s physical attempt(s) to evade a member’s control or lawful order.
- Serious Physical Injury: As defined in ORS § 161.015(8), physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of function of any bodily organ.
- Witness member: For this directive, a witness member is a Bureau member who observes or has firsthand knowledge of the events surrounding another member’s use of force or a member’s direction to another to use force, and did not use force themselves.

Policy:

1. This policy establishes requirements for reporting, reviewing, and investigating all use of force to ensure a fair, thorough, and impartial assessment of member actions.
2. Member accountability is necessary to maximize public safety, build public trust, and ensure constitutional policing. The Bureau is committed to creating, maintaining, and continually improving accountability systems and establishing transparent reporting practices. When force is used, the Bureau is dedicated to reviewing, reporting, and investigating member actions to determine if the force used was in accordance with Bureau training and policy.

Procedure:

1. **Categories of Review.**
 - 1.1. Category Determination.

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- 1.1.1. Reporting and investigating requirements are determined by the type of force used, injury sustained, and/or complaint of injury.
 - 1.1.2. Unless extraordinary circumstances exist, a supervisor who receives notification of a use of force shall respond to the scene to determine the appropriate level of investigation pursuant to the categories listed below.
 - 1.1.3. If the force used does not clearly align with any of the categories, the on-scene Sergeant’s immediate supervisor shall determine the degree of the investigation.
 - 1.1.4. Supervisors have the discretion to elevate the category of any force investigation.
 - 1.1.5. When multiple force options are used during an incident, or when a force type fits under more than one category, the investigation shall be conducted at the highest applicable category.
 - 1.1.6. An on-scene supervisor who reasonably believes that a member’s use of force violates Bureau policy shall immediately notify their immediate supervisor and the on-call Internal Affairs (IA) Lieutenant.
 - 1.1.7. The on-call IA Lieutenant shall determine the degree of investigation required for force that allegedly violates Bureau policy.
- 1.2. Category I:
- 1.2.1. Deadly force use, in-custody death, and death resulting from member use of force. Category I force includes, but is not limited to:
 - 1.2.1.1. All critical firearm discharges by a member, except as authorized to stop an aggressive animal or end the suffering of a badly injured animal.
 - 1.2.1.2. In-custody deaths;
 - 1.2.1.3. Death resulting from member use of force;
 - 1.2.1.4. Neck holds; and
 - 1.2.1.5. All intentional head, neck, and throat strikes with a hard object or when a member strikes the head of a person against a hard object.
 - 1.2.2. Category I Review.
 - 1.2.2.1. Reporting and investigation requirements for Category I Force are governed by Directive, 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures.
- 1.3. Category II:
- 1.3.1. All member use of force resulting in serious physical injury, hospitalization, disability, or warranting an elevated review. Category II force includes, but is not limited to:
 - 1.3.1.1. Force resulting in serious physical injury, hospitalization, or disability;
 - 1.3.1.2. Force resulting in injury deemed to be significant by a member’s supervisor;
 - 1.3.1.3. More than one simultaneous intentional CEW application on a person at a time;
 - 1.3.1.4. Three or more CEW applications to the same person;
 - 1.3.1.5. CEW applications or attempted applications on persons who have an actual or perceived mental illness, or who are in mental health crisis;

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- 1.3.1.6. Canine bites;
- 1.3.1.7. Force used upon restricted persons (i.e., children under the age of fifteen, pregnant persons, medically fragile);
- 1.3.1.8. Force resulting in a loss of consciousness;
- 1.3.1.9. Any strike, blow, kick, or similar use of force against a handcuffed, otherwise restrained, under control, or in-custody subject, with or without injury; and
- 1.3.1.10. Ramming as a vehicle intervention strategy.
- 1.3.2. Category II Review.
 - 1.3.2.1. For all force resulting in hospitalization, supervisors shall notify the Detective Division of the incident, and a detective shall respond to assist in the investigation of the use of force. The involved member’s supervisor shall complete the use of force After Action report.
 - 1.3.2.2. The use of force After Action report shall be reviewed through the chain of command, up to and including the Assistant Chief.
- 1.4. Category III:
 - 1.4.1. All member use of force resulting in physical injury, complaint of pain or physical injury, and less lethal weapon use without serious physical injury. Category III force includes, but is not limited to:
 - 1.4.1.1. Two (2) or fewer CEW applications or attempted applications on persons who do not have an actual or perceived mental illness, or who are not in mental health crisis;
 - 1.4.1.2. FSDD use inside a structure or vehicle. FSDD use outdoors, not directed at a person, and where there is no injury or complaint of pain or injury is not a use a force. Outdoor use occurring nearby to a person the member was unaware of may not be considered force, but supervisors shall investigate the incident in the after action review;
 - 1.4.1.3. All other less lethal weapon use (This includes less lethal weapon discharges, regardless of contact, and all baton pushes, strikes, and jabs. Use of a baton to guide a person where there is no injury or complaint of pain or injury is not a use of force);
 - 1.4.1.4. Physical injury;
 - 1.4.1.5. Complaint of pain or physical injury;
 - 1.4.1.6. Complaint of improper force;
 - 1.4.1.7. Takedown;
 - 1.4.1.8. Strikes with the hands or feet; and
 - 1.4.1.9. PIT maneuver as a vehicle intervention strategy.
 - 1.4.2. Category III Review.
 - 1.4.2.1. The use of force After Action report shall be reviewed through the chain of command, up to and including the RU Manager.
- 1.5. Category IV:

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- 1.5.1. All member use of force that is intended to establish control of a resistant person, though not reasonably likely to cause persistent pain or physical injury. Category IV force includes, but is not limited to:
 - 1.5.1.1. Takedown performed in a completely controlled manner where there is minimal resistance and no injury;
 - 1.5.1.2. Handcuffing against resistance or control against resistance;
 - 1.5.1.3. Pointing of a firearm;
 - 1.5.1.4. Use of hobble restraint; and
 - 1.5.1.5. Boxing-In maneuver as a vehicle intervention strategy, except static box-ins where there is no injury and no complaint of injury.
- 1.5.2. Category IV Review.
 - 1.5.2.1. The use of force After Action report shall be reviewed through the chain of command, up to and including the Sergeant’s immediate supervisor.

2. Notifications.

- 2.1. Supervisors shall immediately notify their shift supervisor verbally and immediately notify Professional Standards Division (PSD) in writing regarding:
 - 2.1.1. All suspected misconduct;
 - 2.1.2. All force against persons who have actual or perceived mental illness; and
 - 2.1.3. Serious Use of Force.
- 2.2. Serious Use of Force includes:
 - 2.2.1. All uses of force by a member that reasonably appear to create or do create a substantial risk of death, serious disfigurement, disability, or impairment of the functioning of any body part or organ;
 - 2.2.2. All critical firearm discharges by a member;
 - 2.2.3. All uses of force by a member resulting in a significant injury, including a broken bone, an injury requiring hospitalization, or an injury deemed to be serious by a member’s supervisor;
 - 2.2.4. All head, neck and throat strikes with an object or neck holds;
 - 2.2.5. Force used upon juveniles known or reasonably assumed to be under fifteen or persons known or reasonably assumed to be pregnant;
 - 2.2.6. All uses of force by a member resulting in a loss of consciousness;
 - 2.2.7. More than two applications of a CEW on a person during a single interaction, regardless of the mode or duration of the application, regardless of whether the applications are by the same or different officers, and regardless of whether the CEW application is longer than 15 seconds, whether continuous or consecutive; and
 - 2.2.8. Any strike, blow, kick, CEW application, or similar use of force against a handcuffed, otherwise restrained, under control, or in custody subject, with or without injury.
 - 2.2.9. Any use of force referred by a member’s supervisor to Professional Standards Division (PSD) which PSD deems a Serious Use of Force.

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- 2.3. Supervisors shall immediately verbally notify their shift supervisor, PSD, Detectives Division, and the Assistant Chief of Investigations through channels, when the supervisor suspects possible criminal conduct.

3. Reporting and Review.

3.1. Core Principles.

- 3.1.1. All members shall immediately notify a supervisor regarding their use of force, or their negligent or unintentional discharge of any weapon.
- 3.1.2. All members shall notify a supervisor as soon as practical when they become aware of a complaint of improper force, a complaint of physical injury, or actual injury to a person in custody.
- 3.1.3. All members who use Category II through IV force shall write a thorough report of their actions before the end of their shift.
 - 3.1.3.1. All members who are involved in or witness the force incident shall provide a full and candid account of the event to the supervisor at the scene.
- 3.1.4. All members shall immediately notify a supervisor of any use of force by another member that violates Bureau Policy when it is safe to do so.
- 3.1.5. For force Categories I through III, witness members shall write a thorough report of the force they witnessed before the end of their shift. Witness members shall report all uses of force whether or not the person is struck or affected by any weapon.

3.2. Reporting Requirements.

- 3.2.1. Members who use force in any police action while off duty shall comply with the reporting requirements of this section.
- 3.2.2. Reports shall demonstrate efforts to locate witnesses at the scene. When feasible, involved members shall identify potential witnesses to a non-involved member or a supervisor. Non-involved members and supervisors shall then attempt to contact witnesses at the scene or explain in their report when circumstances prevented them from doing so or obtaining contact information. Reports shall also include all available identifying information for anyone who refuses to provide a statement.
- 3.2.3. Members shall refer to Directive 0900.00, General Reporting Guidelines, for additional guidance about report writing.
- 3.2.4. Reports shall include:
 - 3.2.4.1. The reason for the initial police presence.
 - 3.2.4.2. Whether the person was known by the member to be mentally ill or in mental health crisis. If mental illness was present, members shall describe how they took that into account and how it impacted their decision making.
 - 3.2.4.3. A description of the decision-making at each significant point leading up to and during the event.
 - 3.2.4.4. The force used, to include descriptive information regarding the use of any weapon.

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- 3.2.4.5. The specific circumstances that led to the discharge of any weapon, if applicable.
- 3.2.4.6. The name of the member designated as immediate cover, if applicable or present.
- 3.2.4.7. Any observable injury to the person, any complaint of injury or the absence of injury, including information regarding any medical aid or on-scene medical evaluation provided or refused by the person, when applicable.
- 3.2.4.8. A description of the resistance encountered by each officer that led to each separate use of force and, if applicable, any injuries to the subject(s) or member(s).
- 3.2.4.9. What, if any, de-escalation techniques were used and whether or not they were effective. If de-escalation was not used, the member shall explain why de-escalation was not attempted.
- 3.2.4.10. A description of force a member observed another member apply, when a report is required.
- 3.2.4.11. The name of the supervisor who was verbally notified, as well as the name of the responding supervisor, if different.
- 3.2.4.12. Efforts to document witness observations and explain when circumstances prevent them from identifying witnesses or obtaining contact information. Reports will include all available identifying information for anyone who refuses to provide a statement.
- 3.2.4.13. A description of the warning given to members and the subject. If no warning was given, members shall state why.
 - 3.2.4.13.1. No written justification is necessary for the lack of a warning for the use of vehicle intervention techniques or Category IV force.
- 3.2.5. Reporting CEW Use.
 - 3.2.5.1. The report also shall document:
 - 3.2.5.1.1. The specific circumstances leading to the use of the CEW.
 - 3.2.5.1.2. The distance from which the CEW was used.
 - 3.2.5.1.3. The location on the person’s body of the probe strike and the impact points.
 - 3.2.5.1.4. The serial numbers of all cartridges expended.
 - 3.2.5.1.5. The serial number of the CEW used.
 - 3.2.5.1.6. The name of the supervisor who was verbally notified as well as the responding supervisor, if different.
 - 3.2.5.1.7. Whether EMS responded and the results of any medical evaluation, if applicable. If EMS was not summoned, the member shall provide a justification.
 - 3.2.5.1.8. Any evidence or complaints of injury or illness by the person.
- 3.2.6. Reporting of Canine Use.
 - 3.2.6.1. Canine handlers shall complete a use of force report for all bites.
 - 3.2.6.2. Canine unit supervisors shall complete an After Action report for all directed and unintentional canine bites through channels to the appropriate Assistant Chief.

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3.3. Reporting Exceptions.

- 3.3.1. Reporting and investigation requirements for Category I Force are governed by Directive, 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures.
- 3.3.2. If a member is the victim of a felony assault or attempted murder, and only used non-deadly force during the incident, the narrative portion of their force report may be completed by a detective who takes their statement and follows all reporting timing requirements. Consistent with Bureau practice, the detective shall record the interview.
- 3.3.3. Members who are incapable of writing a report, due to a medical incapacitation that is subject to statutorily protected leave status as a result of the condition, may be granted an extension until they are capable of completing the report.
 - 3.3.3.1. Any such extensions must be approved by a supervisor at the rank of Lieutenant or higher.
 - 3.3.3.2. The member granted an exception shall, in a timely manner, provide their supervisor with a Work Status Report that identifies any restrictions or limitations on the member until a specified date.

4. **Supervisor Reporting and Investigation.**

- 4.1. A supervisor who receives notification of a use of force shall respond to the scene unless extraordinary circumstances exist. *In rare circumstances*, safety or other practicality reasons may prevent a supervisor from responding directly to the scene, and instead necessitate that the supervisor respond to a proximate location.
 - 4.1.1. Supervisors shall document in writing the reason that prevented their response to the scene or prompted the response to a proximate location.
 - 4.1.2. If a supervisor is unable to respond to the scene, the Branch Assistant Chief shall review the supervisor’s justification as part of the After Action review process.
- 4.2. Where necessary, the supervisor shall ensure that the person upon whom force was used receives medical attention from an appropriate medical provider.
- 4.3. The supervisor shall conduct an administrative review and a thorough investigation of the use of force, consistent with this policy, gathering applicable evidence described in this policy.
 - 4.3.1. If a supervisor is involved in the use of force, they shall contact another supervisor to conduct the administrative review of the incident.
- 4.4. Supervisors shall personally interview the involved member and make an inquiry sufficient to determine the nature of the event and the member’s justification for the use of force.
- 4.5. Supervisors shall personally interview the witness member(s) and make an inquiry sufficient to describe the nature of the force.
- 4.6. Supervisors shall interview members and witnesses individually and not in groups.

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- 4.7. Supervisors shall document non-member witness observations.
 - 4.7.1. Reports shall demonstrate efforts to locate witnesses. Supervisors shall attempt to contact witnesses and explain when circumstances prevented them from doing so or obtaining contact information. Reports shall also include all available identifying information for anyone who refuses to provide a statement.

5. Force After Action Reports.

- 5.1. For Category II-IV force incidents, the supervisor shall document the findings of the review and investigation in an After Action report, and forward the report through the chain of command.
- 5.2. The After Action report form serves as a checklist to ensure that supervisors carry out force investigation responsibilities. At least annually, the Inspector, or Chief’s designee, shall review the form for adequacy and relevance, and revise as needed.
- 5.3. For Category II-IV force incidents, supervisors shall complete an After Action report within 72 hours of the use of force.
- 5.4. All force After Action reports or, in use of deadly force incidents, the investigator’s report shall contain a detailed description and comprehensive account of the force. The report(s) shall include:
 - 5.4.1. Summary: a short one or two paragraph narrative that describes the significant facts of the event.
 - 5.4.2. Involved Member statement: a narrative that describes the use of force.
 - 5.4.3. Investigation: a description of the supervisor’s actions and the directions they gave on scene.
 - 5.4.4. Discussion of force: a description of the nature of the force and the member’s justification for the use of force.
 - 5.4.5. Injuries: a description and photographs of the presence or absence of injuries to the subject or involved Bureau member.
 - 5.4.6. Medical Treatment: a description of any medical treatment offered, requested, or administered, and by whom.
 - 5.4.7. Subject statement: supervisors shall make an attempt to obtain a statement from the subject detailing the event and any injuries.
 - 5.4.8. Witness Member statement: supervisors shall obtain a statement from the witness member(s) detailing their observation of the event.
 - 5.4.9. Non-member witness statements: supervisors shall make an attempt to locate witnesses to the event and obtain and document complete statements. If any information from the witness statements needs to be documented in a criminal report, the supervisor shall ensure that the witness statements are documented in the appropriate report.
 - 5.4.10. Physical evidence: supervisors shall ensure that the administrative review includes collecting any physical or photographic/video evidence that may assist other reviewers in the chain of command in understanding the scene and event.

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- 5.4.11. Critique Findings and Recommendations: the critique of findings and recommendations shall contain a thorough analysis of the incident. It shall address any applicable directives, whether or not members complied with such directives and any recommendations or actions taken to address issues encountered on-scene or during the reporting process. Supervisors may also modify findings as appropriate and document modifications.
- 5.4.11.1. The authoring supervisor shall:
 - 5.4.11.1.1. Review all use of force reports to ensure that they include information required per Bureau policy;
 - 5.4.11.1.2. Evaluate the weight of the evidence;
 - 5.4.11.1.3. Use a decision-point approach to analyze each use of force;
 - 5.4.11.1.4. Determine whether the member’s actions appear consistent with Bureau policy;
 - 5.4.11.1.5. Determine whether there was legal justification for the original stop and/or detention;
 - 5.4.11.1.6. Implement corrective action whenever there are material omissions or inaccuracies in the members’ use of force reports, including failing to report a use of force, whether applied or observed; and
 - 5.4.11.1.7. Document any non-disciplinary corrective action, training deficiencies, policy deficiencies or poor tactical decisions and ensure that they discuss poor tactical decisions with the member and that the discussion is documented in the Employee Information System (EIS).
- 5.4.11.2. Supervisors in the chain of command review shall:
 - 5.4.11.2.1. Ensure the authoring supervisor met all the requirements for Critique Findings and Recommendations;
 - 5.4.11.2.2. Review After Action report findings using a preponderance of the evidence standard;
 - 5.4.11.2.3. Review After Action reports to ensure completeness and order additional investigation, when necessary;
 - 5.4.11.2.4. Assess the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options;
 - 5.4.11.2.5. Modify findings as appropriate and document modifications;
 - 5.4.11.2.6. Order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability of the findings;
 - 5.4.11.2.7. Implement corrective action whenever there are material omissions or inaccuracies in the members’ use of force reports, and for failing to report a use of force, whether applied or observed;
 - 5.4.11.2.8. Document any non-disciplinary corrective action, training deficiencies, policy deficiencies or poor tactical decisions and ensure that the authoring supervisor discusses poor tactical decisions with the member and that the discussion is documented in EIS;
 - 5.4.11.2.9. Suspend an investigation immediately and notify the branch Assistant Chief, the on-call PSD Lieutenant and the Detectives Division whenever the investigation supervisor, shift commander or Division

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- commander finds evidence of apparent criminal conduct by a member;
and
- 5.4.11.3. Review and correction of the use of force After Action report shall be completed through the RU within twenty-one days of the event.
- 5.5. If a supervisor determines that there were performance deficiencies not rising to the level of misconduct, supervisors shall determine whether additional training or counseling is warranted. The Bureau shall provide such counseling or training, consistent with Bureau policies.
- 5.6. Supervisors shall ensure that EIS tracks all comments, findings, and corrections related to the After Action Reports. Members shall refer to Directive 0345.00, Employee Information System (EIS), for additional guidelines.
- 5.7. All supervisors in the chain of command shall be held accountable for inadequate reports and analysis. As a result, all supervisors shall be subject to corrective action or discipline for the accuracy and completeness of After Action reports completed by other supervisors under their command. Corrective or disciplinary action may include training, demotion, and/or removal from a supervisory position, based on repeated deficient After Action reviews at any level of command.
- 5.8. When, after investigation, a use of force is found to violate policy, the Bureau shall ensure that investigative findings regarding member misconduct are adequately addressed and that appropriate corrective action is taken fairly and expeditiously to resolve the issue.
- 5.9. Where the use of force implicates policy, training, tactical or equipment concerns, the immediate supervisor shall notify, through channels, the Force Inspector and the Chief, who shall ensure that the Bureau timely conducts necessary training and/or resolves the policy, tactical or equipment concern.
- 5.10. The Chief, or designee, and the PSD have the discretion to reassign a use of force investigation to the Detective Division or any Bureau supervisor, thereby taking it out of the After Action chain of command as described here.
- 5.11. The Force Inspector’s Office shall routinely audit force-related After Actions and the associated reports and produce findings to the Chief. The Chief, or a designee, shall refer to the Inspector’s audits to identify trends related to deficient reporting and investigations or problematic use of force patterns. The Chief, or a designee, shall take appropriate corrective action throughout the chain of command when use of force reports, force investigations conducted by supervisors, force-related After Action reports and Command reviews are not completed in accordance with Bureau policy and practices.

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- 5.12. The RU Manager shall ensure that the narrative section of the use of force After Action report is forwarded to the Multnomah County District Attorney’s Office as required by law in a timely fashion.
- 5.13. Additional Supervisor Reporting Responsibilities.
 - 5.13.1. An on-duty supervisor shall respond to the scene of all negligent or unintentional discharges of a firearm and notify the Detective Division, which will assume investigative responsibility, except at Bureau authorized training events, where no injury occurs. At training events, as long as no injury occurs, the Training Division shall have responsibility for investigating and reporting the negligent discharge.
 - 5.13.2. An on-duty supervisor shall investigate all negligent or unintentional discharges of less lethal weapons and document the incident in an After Action report.
 - 5.13.2.1. Supervisors shall investigate negligent or unintentional discharges of less lethal weapons that strike another person in the same manner as a use of force investigation.

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