

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: SEE BELOW

DATE: July 27, 2021

APPROVED

Memo# 2021-023

**SUBJECT: REVISIONS TO DUTY MANUAL SECTIONS L 2645 AND R 1574:
REQUIREMENT TO DOCUMENT UPDATED INJURY INFORMATION WITH A USE OF
FORCE INJURY INFORMATION UPDATE TEMPLATE**

BACKGROUND

On December 29, 2020, the officer and suspect injury sections of the automated Use of Force Template were revised to increase accuracy in tracking incidents involving a use of force resulting in great bodily injury or death (Training Bulletin #2020-023).

Although the information on the template reflects the information available to the reporting officer at the time of the report submittal, the injury status of an officer or suspect may change thereafter. For example, when a suspect is treated at a hospital for injuries incurred during a use of force, the primary arresting officer may handoff the suspect to an officer from the next watch for booking. In these circumstances, the primary arresting officer would document the injuries known to them at the time of the handoff on the automated Use of Force Template. Later, once the suspect is medically cleared and booked into jail, the booking officer would then document the final disposition of injuries on an automated Use of Force Injury Update Template.

During incidents where an officer or investigator receives updated injury information after the initial automated Use of Force Template has been submitted, the officer or investigator shall document the updated injury information on a newly created automated Use of Force Injury Update Template.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

L 2645 REPORTABLE FORCE BY DEPARTMENT MEMBERS – REQUIRED DOCUMENTATION:

Revised 07-27-21

A. Documentation of Reportable Force for Enforcement Situations

Enforcement Situation Defined: Any situation where a Department member is taking enforcement action within the course and scope of his/her duties as a peace officer.

1. Documentation for Involved Department member in Officer-Involved Incidents:

Investigations of Officer-Involved Incidents shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines. See Duty Manual Chapter L 4700 (Officer Involved Shootings) for further reference.

- A Department member who uses deadly force, including the discharge of a firearm, resulting in injury or death, will be interviewed by the Homicide Unit, and the interview will be recorded.
- A Department member whose intentional action, including but not limited to the use of any other deadly or dangerous weapon, such as a projectile impact weapon or Taser (Taser probes contact the subject's body or clothing and/or a "drive stun" is used to effect compliance), proximately causing injury likely to produce death to another, will be interviewed by the Homicide Unit, and the interview will be recorded.
- A Department member involved in the in-custody death of a person, (i.e., the death of a person who has been arrested or detained by a San Jose police officer), will be interviewed by the Homicide Unit, and the interview will be recorded.
- When an Officer-Involved Incident occurs, it shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines. The Department member will be interviewed by the Homicide Unit and the supplemental report for the Department member's statement as well as the automated Use of ~~F~~orce ~~T~~emplate will be completed by the Homicide Detective who conducted the interview.

An officer or investigator who receives updated injury information for an officer or suspect after an automated Use of Force Template has been

completed, shall document the updated injury(ies) on an automated Use of Force Injury Update Template.

2. Documentation of Reportable Force for Involved Department member in Non-Officer-Involved Incidents:

In all other enforcement situations where a Department member uses reportable force, he/she will document the circumstances in a General Offense Report (Form 200-2-AFR), to include the automated Use of Force Template, and/or any other appropriate investigative or supplemental reports as required. The district supervisor or assigned supervisor (or command officer if a sergeant uses force) will ensure all proper reports are completed, reviewed and approved.

An officer or investigator who receives updated injury information for an officer or suspect after an automated Use of Force Template has been completed, shall document the updated injury(ies) on an automated Use of Force Injury Update Template.

B. Documentation of Reportable Force for Non-Enforcement Situations:

Non-enforcement Situation defined: Any situation where a Department member is not taking an enforcement action but is acting within the course and scope of his/her duties as a peace officer.

1. Documentation for Involved Department member in an Officer Involved Incident:

When non-enforcement action occurs and a Department member kills or injures a person as a result of the discharge of a firearm, or a Department member's intentional act, including but not limited to the use of any other deadly or dangerous weapon by a Department member, proximately causes injury likely to produce death to another, the involved Department member(s) will be interviewed by the Homicide Unit, and the interview will be recorded.

2. Documentation of Reportable Force for Involved Department member for Non-Officer Involved Incidents:

- a. In non-enforcement situations where reportable force is used for an incident that does not rise to the level of an Officer-Involved Incident and the discharge of a projectile impact weapon or Taser or use of any weapon that results in injury to any person or damage to property, or use of a Taser results in

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an Electro-Muscular Disruption being applied to another person, the incident will be documented in a General Offense Report (Form 200-2-AFR), to include the automated Use of Force Template, and/or any other appropriate investigative or supplemental reports as required.

An officer or investigator who receives updated injury information for an officer or suspect after an automated Use of Force Template has been completed, shall document the updated injury(ies) on an automated Use of Force Injury Update Template.

- b. If any weapon discharge occurs during a non-enforcement situation and there is no injury or Electro-Muscular Disruption applied, only a Department Memorandum is used to document the circumstances in the following events:
- The discharge is accidental, and
 - The discharge is not on an approved range, or
 - The discharge occurs into an authorized clearing barrel
- c. Euthanasia of Animals
The discharge of a firearm for the humane destruction (euthanasia) of a seriously injured animal is documented on a Memorandum and routed through the chain of command. The discharge of a firearm to dispatch an animal during any other action is documented in a General Offense Report (Form 200-2-AFR).
- d. Other Reporting Considerations
Any member performing a function pertaining to a reportable force incident, *shall* submit all *required* reports (including Memorandums) by the end of the shift. This includes traffic or crowd control and protection of the scene or evidence.

R 1574 AUTOMATED USE OF FORCE TEMPLATE:

Revised 07-27-21

The automated Use of Force Template will be completed by each Department member using any reportable force as defined in DM Section L 2644 (Definition of Reportable Force). The assigned supervisor/command officer who responded to the incident where the force response occurred will ensure the automated Use of Force Template is completed by the Department member(s) using the reportable force. The automated Use of Force Template shall be completed for every suspect that has

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force used upon them. The assigned supervisor/command officer who has the responsibility of signing off the report per L 2605 (Supervisor and Command Officer Responsibility) must read and approved the completed automated Use of Force Itemplate report(s) prior to submitting the report(s) to OSSD.

Officer(s) will also complete an automated Use of Force Itemplate in the event the suspect inflicts or attempts to inflict physical force upon the officer(s) and the officer(s) did not use force back. The automated Use of Force Itemplate is completed by the officer(s) whether or not the identity of the suspect is known.

Exception: When an Officer-Involved Incident occurs, the investigation shall be conducted consistent with the most recently published Santa Clara County Police Chiefs' Association Officer-Involved Incident Guidelines. The Department member will be interviewed by the Homicide Unit and the supplemental report for the Department member's statement as well as the **automated Use of Force Itemplate** will be completed by the Homicide Detective who conducted the interview.

An officer or investigator who receives updated injury information for an officer or suspect after an automated Use of Force Template has been completed, shall document the updated injury(ies) on an automated Use of Force Injury Update Template.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:SD:MB

Attachment: Use of Force Injury Update Template

Use of Force Injury Update Template

Template: USE OF FORCE INJURY UPDATE

This Template is used to update an officer's and/or suspect's injury after a Use of Force Template has been submitted

General Offense Report #

Updated Suspect Injury

Suspect Name: DOB:

Serious/Significant Injuries:

- | | |
|---|--|
| ☐ Death | ☐ Unconsciousness |
| ☐ Life Threatening Injury | ☐ Concussion |
| ☐ Gunshot Wound | ☐ Other Brain Injury |
| ☐ Stab Wound | ☐ Profuse Bleeding |
| ☐ Organ Damage | ☐ Abrasions (Severe) |
| ☐ Internal Bleeding | ☐ Lacerations (Severe) |
| ☐ Obvious Disfigurement | ☐ Contusion (Severe) |
| ☐ Loss or Impairment of Body Part | ☐ Swelling |
| ☐ Chipped or Loss of Tooth | ☐ Sutures or Staples |
| ☐ Bone Fracture | ☐ Canine bite (Medical Attention) |
| ☐ Other Serious/Significant Injury | |

Minor/Moderate Injuries:

- | | |
|--|---|
| ☐ Abrasions (Minor or Moderate) | ☐ Sprain or Strain |
| ☐ Lacerations (Minor or Moderate) | ☐ Complaint of Pain Only |
| ☐ Contusions (Minor or Moderate) | ☐ Other Minor Injury |
| ☐ Swelling (Minor or Moderate) | |

Medical aid the suspect recieved - choose highest applicable:

Updated Officer Injury

Officer Name:

Badge Number:

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Serious/Significant Injuries:

- | | |
|---|--|
| ☐ Death | ☐ Unconsciousness |
| ☐ Life Threatening Injury | ☐ Concussion |
| ☐ Gunshot Wound | ☐ Other Brain Injury |
| ☐ Stab Wound | ☐ Profuse Bleeding |
| ☐ Organ Damage | ☐ Abrasions (Severe) |
| ☐ Internal Bleeding | ☐ Lacerations (Severe) |
| ☐ Obvious Disfigurement | ☐ Contusion (Severe) |
| ☐ Loss or Impairment of Body Part | ☐ Swelling (Severe) |
| ☐ Chipped or Loss of Tooth | ☐ Sutures or Staples |
| ☐ Bone Fracture | ☐ Canine Bite (Medical Attention) |
| ☐ Other Serious/Significant Injury | |

Minor/Moderate Injuries:

- | | |
|--|---|
| ☐ Abrasions (Minor or Moderate) | ☐ Sprain or Strain |
| ☐ Lacerations (Minor or Moderate) | ☐ Complaint of Pain Only |
| ☐ Contusions (Minor or Moderate) | ☐ Other Minor Injury |
| ☐ Swelling (Minor or Moderate) | |

Medical aid Officer received -choose highest applicable: