V. USE OF FORCE

153. CPD’s use of force policies, as well as its training, supervision, and accountability systems, must ensure that: CPD officers use force in accordance with federal law, state law, and the requirements of this Agreement; CPD officers apply de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; when using force, CPD officers only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and any use of unreasonable or unnecessary force is promptly identified and responded to appropriately.

154. CPD adopted revised use of force policies on October 16, 2017 (“October 2017 Policies”). The October 2017 Policies incorporated multiple best practices that were not reflected in CPD’s prior use of force policies. Building on these improvements, CPD will maintain the best practices reflected in the October 2017 Policies and make additional improvements to its policies consistent with the terms of this Agreement.

A. Objectives

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.
156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members:
   a. act at all times in a manner consistent with the sanctity of human life;
   b. act at all times with a high degree of ethics, professionalism, and respect for the public;
   c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible;
   d. use sound tactics to eliminate the need to use force or reduce the amount of force that is needed;
   e. only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances;
   f. only use force for a lawful purpose and not to punish or retaliate;
   g. continually assess the situation and modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary;
   h. truthfully and completely report all reportable instances of force used;
   i. promptly report any use of force that is excessive or otherwise in violation of policy;
   j. are held accountable, consistent with complaint and disciplinary policies, for use of force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances, or that otherwise violates law or policy; and
   k. act in a manner that promotes trust between CPD and the communities it serves.

157. CPD will collect and analyze information on the use of force by CPD members, including whether and to what extent CPD members use de-escalation techniques in connection with use of force incidents. CPD will use this information to assess whether its policies, training, tactics, and practices meet the goals of this Agreement, reflect best practices, and prevent or reduce the need to use force.

B. Use of Force Policies

158. CPD’s use of force policies must comply with applicable law and this Agreement, reflect the objectives described above, and promote trust between CPD and the communities that it serves.

159. CPD will conduct an annual review of its use of force policies consistent with accreditation requirements of the Commission on Accreditation for Law Enforcement Agencies (“CALEA”). In addition, every two years, CPD will conduct a comprehensive review of its use of force policies to assess whether CPD’s use of force policies meet the requirements of this Agreement, incorporated best practices, address observed trends and practices, as necessary, and reflect developments in applicable law.

160. CPD will establish and maintain clear channels through which community members can provide input regarding CPD’s use of force policies and propose revisions or additions to those policies. CPD will regularly review the input received, including
during the biennial review process.

1. General Policy Requirements

161. CPD recently adopted de-escalation as a core principle. CPD officers must use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible. CPD officers are required to de-escalate potential and ongoing use of force incidents whenever safe and feasible through the use of techniques that may include, but are not limited to, the following:
   a. using time as a tactic by slowing down the pace of an incident;
   b. employing tactical positioning and re-positioning to isolate and contain a subject, to create distance between an officer and a potential threat, or to utilize barriers or cover;
   c. continual communication, including exercising persuasion and advice, and providing a warning prior to the use of force;
   d. requesting assistance from other officers, mental health personnel, or specialized units, as necessary and appropriate; and
   e. where appropriate, use trauma-informed communication techniques, including acknowledging confusion or mistrust, or using a respectful tone.

162. Consistent with CPD’s commitment to preventing and reducing the need for force, CPD officers will allow individuals to voluntarily comply with lawful orders whenever safe and feasible (e.g., allowing individuals the opportunity to submit to arrest before force is used).

163. CPD officers may only use force for a lawful purpose. CPD officers are prohibited from using force as punishment or retaliation, such as using force to punish or retaliate against a person for fleeing, resisting arrest, insulting an officer, or engaging in protected First Amendment activity (e.g., lawful demonstrations, protected speech, observing or filming police activity, or criticizing an officer or the officer’s conduct).

164. CPD officers must only use force when it is objectively reasonable, necessary, and proportional under the totality of the circumstances.

165. CPD officers are prohibited from using deadly force except in circumstances where there is an imminent threat of death or great bodily harm to an officer or another person. CPD officers are not permitted to use deadly force against a person who is a threat only to himself or herself or to property. CPD officers may only use deadly force as a last resort.

166. CPD officers are prohibited from using deadly force against fleeing subjects who do not pose an imminent threat of death or great bodily harm to an officer or another person.

167. CPD officers will operate their vehicles in a manner that is consistent with CPD policy and training and with the foremost regard for the safety of all persons involved.
CPD will periodically include instruction regarding sound vehicle maneuvers in its in-service training regarding use of force. As appropriate, CPD will provide supplemental training guidance regarding dangerous vehicle maneuvers that should be avoided.

168. Starting no later than January 1, 2019, CPD will track and analyze the frequency with which CPD officers engage in foot pursuits of persons attempting to evade arrest or detention by fleeing on foot, regardless of whether the foot pursuit is associated with a reportable use of force incident. CPD will track foot pursuits associated with reportable use of force incidents through TRRs or any similar form of documentation CPD may implement.

169. For foot pursuits associated with reportable use of force incidents, by January 1, 2020, CPD will review all associated foot pursuits at the headquarters level to identify any tactical, equipment, or training concerns.

170. CPD recently issued a foot pursuit training bulletin. By July 1, 2019, CPD will develop and issue a supplemental foot pursuit training bulletin that reflects best practices from foot pursuit policies in other jurisdictions. The supplemental training bulletin will be subject to review and approval by the Monitor and OAG. The supplemental training bulletin will:
   a. identify risks and tactical factors officers should consider prior to initiating and during the course of a foot pursuit;
   b. provide guidance to officers regarding radio communications during a foot pursuit;
   c. instruct officers to avoid, to the extent practical, separating from other officers in the course of a foot pursuit;
   d. provide guidance on circumstances when alternatives to a foot pursuit may be appropriate; and
   e. inform officers that they must follow supervisors’ instructions in the course of a foot pursuit, including instructions to alter tactics or discontinue the pursuit.

171. CPD will provide scenario-based training regarding foot pursuits and the supplemental foot pursuit training bulletin during the first annual use of force training required by this Agreement.

172. By no later than January 1, 2021, the Monitor will complete an assessment of CPD data and information to determine whether CPD should adopt a foot pursuit policy. If the Monitor recommends that CPD should adopt a foot pursuit policy, CPD will adopt a foot pursuit policy no later than July 1, 2021. Any foot pursuit policy adopted by CPD will be subject to review and approval by the Monitor and OAG.

173. Following a use of force, once the scene is safe and as soon as practicable, CPD officers must immediately request appropriate medical aid for injured persons or persons who claim they are injured.

174. Before January 1, 2021, CPD will ensure that all CPD officers receive Law
Enforcement Medical and Rescue Training ("LEMART"). The LEMART training provided to CPD officers will incorporate scenario-based elements. Before January 1, 2021, CPD will equip all CPD officers engaged in patrol activities who have completed LEMART training with an individual first aid kit ("IFAK") (as defined in current CPD policy, U06-02-23).

175. Starting January 1, 2021, in use of force incidents involving CPD officers, CPD will require CPD officers to provide life-saving aid consistent with their LEMART training to injured persons as soon as it is safe and feasible to do so until medical professionals arrive on scene. CPD will replenish IFAKs, and the contents thereof, used by CPD officers as necessary to ensure officers have the equipment necessary to render aid consistent with their LEMART training. Subsequent to January 1, 2021, CPD will ensure that any officer regularly engaged in patrol activities who has no prior LEMART training receives LEMART training within one year of beginning his or her regular patrol activities.

176. CPD officers must recognize and act upon the duty to intervene on the subject’s behalf when another officer is using excessive force.

177. Consistent with CPD policy that force must be objectively reasonable, necessary, and proportional, CPD officers must generally not use force against a person who is handcuffed or otherwise restrained absent circumstances such as when the person’s actions must be immediately stopped to prevent injury or escape or when compelled by other law enforcement objectives.

178. CPD officers are prohibited from using carotid artery restraints or chokeholds (or other maneuvers for applying direct pressure on a windpipe or airway, i.e., the front of the neck, with the intention of reducing the intake of air) unless deadly force is authorized. CPD officers must not use chokeholds or other maneuvers for intentionally putting pressure on a person’s airway or carotid artery restraints as take-down techniques.

2. Policies Regarding Specific Weapons

179. CPD’s use of force policies must guide officers on all force techniques, technologies, and weapons that CPD officers are authorized to use. CPD’s use of force policies must clearly define and describe each force option and the circumstances under which use of such force is appropriate to address potential types of resistance.

180. CPD will maintain policies for each of the following weapons, using the following guidelines.

a. Firearms

181. CPD will continue to require that only officers who are currently certified may be issued, carry, and use firearms.
182. CPD will require officers to consider their surroundings before discharging their firearms and take reasonable precautions to ensure that people other than the target will not be struck.

183. CPD will require officers to issue a verbal warning prior to the use of any reportable force, including the use of firearms, when it is safe and feasible to do so.

184. When CPD officers discharge firearms, they must continually assess the circumstances that necessitated the discharge and modify their use of force accordingly, including ceasing to use their firearm when the circumstances no longer require it (e.g., when a subject is no longer a threat).

185. CPD will continue to prohibit officers from firing warning shots.

186. CPD officers must not fire at moving vehicles when the vehicle is the only force used against the officer or another person, except in extreme circumstances when it is a last resort to preserve human life or prevent great bodily harm to a person, such as when a vehicle is intentionally being used to attack a person or group of people. CPD will continue to instruct officers to avoid positioning themselves or remaining in the path of a moving vehicle, and will provide officers with adequate training to ensure compliance with this instruction.

187. CPD will prohibit officers from firing from a moving vehicle unless such force is necessary to protect against an imminent threat to life or to prevent great bodily harm to the officer or another person.

188. By January 1, 2019, CPD will develop a training bulletin that provides guidance on weapons discipline, including circumstances in which officers should and should not point a firearm at a person. CPD will incorporate training regarding pointing of a firearm in the annual use of force training required by this Agreement in 2019.

189. CPD will clarify in policy that when a CPD officer points a firearm at a person to detain the person, an investigatory stop or an arrest has occurred, which must be documented. CPD will also clarify in policy that officers will only point a firearm at a person when objectively reasonable under the totality of the circumstances.

190. Beginning July 1, 2019, CPD officers will, at a minimum, promptly after the incident is concluded, notify OEMC of investigatory stop or arrest occurrences in which a CPD officer points a firearm at a person in the course of effecting the seizure. The notification will identify which CPD beat(s) pointed a firearm at a person in the course of effecting the seizure. The City will ensure that OEMC data recording each such notification is electronically linked with CPD reports and body-worn camera recordings associated with the incident, and all are retained and readily accessible to the supervisor of each CPD beat(s) identified in the notification.

191. OEMC will notify an immediate supervisor of the identified beat(s) each time the
pointing of a firearm is reported. Notified CPD supervisors will ensure that the investigatory stop or arrest documentation and the OEMC recordation of the pointing of a firearm are promptly reviewed in accordance with CPD policy. CPD supervisors will effectively supervise the CPD members under their command consistent with their obligations set forth in the Supervision section of this Agreement.

192. A designated unit at the CPD headquarters level will routinely review and audit documentation and information collected from all investigatory stop and arrest occurrences in which a CPD officer pointed a firearm at a person in the course of effecting a seizure. The review and audit will be completed within 30 days of each such occurrence. This review and audit will:
   a. identify whether the pointing of the firearm at a person allegedly violated CPD policy;
   b. identify any patterns in such occurrences and, to the extent necessary, ensure that any concerns are addressed; and
   c. identify any tactical, equipment, training, or policy concerns and, to the extent necessary, ensure that the concerns are addressed.

The designated unit at the CPD headquarters level will, where applicable, make appropriate referrals for misconduct investigations or other corrective actions for alleged violations of CPD policy. At the completion of each review and audit, the designated unit at the CPD headquarters level will issue a written notification of its findings and, if applicable, any other appropriate actions taken or required to an immediate supervisor as described above.

193. CPD will ensure that the designated unit at the CPD headquarters level responsible for performing the duties required by this Part has sufficient resources to perform them, including staff with sufficient experience, rank, knowledge, and expertise.

194. CPD officers will not be required to notify OEMC of the pointing of a firearm at a person when the CPD officer is a SWAT Team Officer responding to a designated SWAT incident, as defined in CPD Special Order S05-05, or an officer assigned to a federal task force during the execution of federal task force duties.

195. CPD officers will not be required to notify OEMC of any unholstering or display of a firearm or having a firearm in a “low ready” position during the course of an investigation, unless the firearm is pointed at a person.

196. The City will ensure that all documentation and recordation of investigatory stop or arrest occurrences in which a CPD member points a firearm at a person, including OEMC data, is maintained in a manner that allows the Monitor, CPD, and OAG to review and analyze such occurrences. Beginning January 1, 2020, the Monitor will analyze these occurrences on an annual basis to assess whether changes to CPD policy, training, practice, or supervision are necessary, and to recommend any changes to the process of documenting, reviewing, and analyzing these occurrences. CPD will either adopt the Monitor’s recommendations or respond in writing within 30 days. Any dispute
regarding the whether the Monitor’s recommendations should be implemented will be resolved by the Court.

b. Electronic Control Weapons (“Tasers”)

197. CPD will continue to require that only officers who are currently certified may be issued, carry, and use Tasers.

198. CPD will instruct officers that Tasers can cause serious injury or death and, as a result, officers should use Tasers only after balancing relevant factors including the threat presented by the subject, the risk of injury if a Taser is used, and the seriousness of the suspected offense. Consistent with this standard, CPD officers should not use Tasers against persons who are reasonably perceived to be non-violent, unarmed, and suspected of low-level offenses, such as property-related misdemeanors, quality of life offenses, moving or traffic violations, or municipal code violations.

199. CPD will clarify in policy that flight alone, without any other basis for reasonable articulable suspicion or probable cause, does not justify use of a Taser against a subject.

200. When safe and feasible to do so, CPD officers must give verbal commands and warnings prior to, during, and after deployment of a Taser. When safe and feasible to do so, CPD officers will allow a subject a reasonable amount of time to comply with a warning prior to using or continuing to use a Taser, unless doing so would compromise the safety of an officer or another person.

201. CPD will strongly discourage the use of Tasers in schools and on students. CPD will require officers to consider the totality of the circumstances, including a subject’s apparent age, size, and the threat presented, in assessing the reasonableness and necessity of using a Taser in a school.

202. CPD officers will treat each application or standard cycle (five seconds) of a Taser as a separate use of force that officers must separately justify as objectively reasonable, necessary, and proportional. CPD will continue to require officers to, when possible, use only one five-second energy cycle and reassess the situation before any additional cycles are given or cartridges are discharged. In determining whether any additional application is necessary, CPD officers will consider whether the individual has the ability and has been given a reasonable opportunity to comply prior to applying another cycle.

203. CPD will require that if the subject has been exposed to three, five-second energy cycles (or has been exposed to a cumulative 15 total seconds of energy) and the officer has not gained control, officers switch to other force options unless the officer can reasonably justify that continued Taser use was necessary to ensure the safety of the officer or another person, recognizing that prolonged Taser exposure may increase the risk of death or serious injury.
204. CPD officers must:
   a. determine the necessity, objective reasonableness, and proportionality of
      Taser use based on the totality of the circumstances, including the subject’s
      apparent age, size, physical and mental condition, disability, and impairment;
   b. not use Tasers in drive-stun mode unless the subject is an assailant and other
      force options are not readily available or would otherwise be ineffective;
   c. when practicable, avoid the use of Tasers when it is reasonably evident that a
      deployment may cause serious physical injury, including if the subject is
      elevated above the ground, if the subject is operating or riding any mode of
      transportation, or if the subject may be less able to catch or protect themselves
      in a fall;
   d. not use Tasers in any environment that contains potentially flammable,
      volatile, or explosive material;
   e. not use Tasers on a subject who is at a greater risk of serious injury or death
      from Taser use, including, but not limited to, children, pregnant individuals,
      and the elderly, unless the subject is an assailant and other force options are
      not readily available or would otherwise be ineffective;
   f. target the Taser in probe mode at the lower center mass and avoid the head,
      neck, and genitalia;
   g. not activate more than one Taser at a time against a subject, unless an officer
      already attempted to use a Taser against the subject but the probes did not
      make contact with the subject; and
   h. keep Tasers in a weak-side holster.

205. CPD officers must request medical aid for a person subjected to a Taser
      application. CPD officers must place any person subjected to a Taser application in a
      position that does not impair respiration, as soon as it is safe and feasible to do so. CPD
      officers must render life-saving aid to injured persons consistent with their training until
      medical professionals arrive on scene. Only trained medical personnel may remove Taser
      probes from a subject.

206. CPD will conduct Taser inspections on a periodic basis to perform information
      downloads, ensure Tasers are operable, and perform necessary maintenance or repairs.

   c. Oleoresin Capsicum Devices (“OC Devices”)

207. CPD officers may use OC devices only when such force is objectively reasonable,
      necessary, and proportional under the totality of the circumstances, and consistent with
      the objectives above.

208. CPD officers may only use OC devices for crowd dispersal when such force is
      necessary, objectively reasonable, and proportional to the threat presented to public
      safety. CPD will continue to require that the Superintendent or his or her designee
      provides authorization before OC devices are used for noncompliant groups, crowds, or
      an individual taking part in a group or crowd.
209. When safe and feasible to do so, CPD officers must issue verbal commands and warnings to the subject prior to, during, and after the discharge of an OC device. When safe and feasible to do so, CPD will require officers to allow a subject a reasonable amount of time to comply with a warning prior to using or continuing to use an OC device, unless doing so would compromise the safety of an officer or another person.

210. Each individual application of an OC device (e.g., each spray of an officer’s personal OC device) by a CPD officer must be objectively reasonable, necessary, and proportional under the totality of the circumstances, and consistent with the objectives above.

211. CPD officers must assist subjects exposed to application of an OC device with decontamination and flushing when it is safe and feasible to do so. CPD officers must request the appropriate medical aid for a subject after the discharge of an OC device if the subject appears to be in any physical distress, or complains of injury or aggravation of a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, or a heart ailment).

212. CPD officers may only use department-issued or approved OC devices.

d. Impact Weapons

213. CPD officers must not use impact weapons (e.g., baton, asp, improvised impact weapons) to intentionally strike a subject in the head or neck, except when deadly force is justified.

214. When safe and feasible to do so, CPD officers must give verbal commands and warnings prior to, during, and after using an impact weapon.

215. CPD officers must receive training on proper use of an impact weapon before being permitted to carry such weapon.

216. CPD officers must request appropriate medical aid for a subject who experiences an impact weapon strike when the subject appears to be in any physical distress or complains of injury, or when the subject sustained a strike to the head from an impact weapon or a hard, fixed object. CPD officers must render life-saving aid to the subject consistent with the officers’ training until medical professionals arrive on scene.

C. Reporting Uses of Force

217. To be effective, the foundation of CPD’s accountability system must be CPD members. When CPD members use force, they must be able to demonstrate that the force used complies with the law and CPD policy. When a member’s use of force does not comply with the law and CPD policy, the member’s supervisors must be able to identify the non-compliance and take appropriate action to address it. To facilitate evaluation of how CPD members use force, CPD will ensure that members report incidents when they use force and that supervisors collect and review available information about the
218. CPD members must report and document any reportable use of force. Beginning January 1, 2019, a reportable use of force will be defined as any use of force by a CPD member included in any of the following three levels:

   a. A level 1 reportable use of force is the use of any force by a CPD member to overcome the active resistance of a subject that does not rise to a level 2 or level 3 reportable use of force. This would include force that is reasonably expected to cause pain or an injury, but does not result in injury or complaint of injury. The following techniques are level 1 reportable uses of force when applied in response to active resistance: pressure point compliance techniques; joint manipulation techniques; wristlocks; armbars; and any leg sweep, weaponless defense techniques, or takedown that does not result in injury or complaint of injury. It is not a reportable use of force for a CPD member to escort, touch, or handcuff a person with no or minimal resistance.

   b. A level 2 reportable use of force is the use of any force by a CPD member that includes use of a less-lethal weapon or that causes an injury or results in a complaint of an injury, but that does not rise to a level 3 reportable use of force. Force options in this level include: discharge of an OC device; discharge of a Taser; impact weapon strikes to any part of the body other than the head or neck; use of impact munitions; any physical apprehension by a canine; any reportable use of force against a handcuffed subject; and any leg sweep, weaponless defense technique, or takedown resulting in an injury or complaint of injury.

   c. A level 3 reportable use of force is when a CPD member does any of the following: uses any force that constitutes deadly force, such as discharging a firearm or using an impact weapon to strike a person’s head or neck; uses a chokehold or other maneuver for intentionally putting pressure on a person’s airway or carotid artery; uses any force that causes the death of any person; or uses any force that causes injury to any person resulting in admission to a hospital.

219. Whenever a CPD member engages in a reportable use of force, the member must complete a TRR, or any similar form of documentation CPD may implement, prior to the end of his or her tour of duty. In addition to completing the TRR, officers must also document the reason for the initial stop, arrest, or other enforcement action per CPD policy. CPD may allow members requiring medical attention a reasonable amount of additional time to complete the required documentation. CPD may allow supervisors to complete the TRR for members who are unable to complete the report due to injury or in other extraordinary circumstances.

220. In completing the TRR, or whatever similar documentation CPD may implement, CPD members must include a narrative that describes with specificity the use of force incident, the subject’s actions, or other circumstances necessitating the level of force used; and the involved member's response, including de-escalation efforts attempted and the specific types and amounts of force used. The narrative requirement does not apply to
CPD members who discharged a firearm in the performance of duty or participated in an officer-involved death in the performance of duty. Any CPD member who observes or is present when another CPD member discharges a firearm or uses other deadly force must complete a written witness statement prior to the end of his or her tour of duty. CPD members will note in their TRRs the existence of any body-worn camera or in-car camera audio or video footage, and whether any such footage was viewed in advance of completing the TRR or any other incident reports. CPD members must complete TRRs, or whatever similar documentation CPD may implement, and other reports related to the incident, truthfully and thoroughly.

221. Any CPD member who engages in a reportable use of force must immediately report the incident to OEMC. OEMC is required to notify the involved member’s immediate supervisor and the Watch Operations Lieutenant of the district of occurrence.

222. A CPD supervisor will immediately respond to the scene when a level 2 or level 3 reportable use of force occurs (“responding supervisor”). CPD supervisors may, at their discretion, respond to the scene when a level 1 reportable use of force occurs, but they are not required to do so.

223. For level 2 and level 3 reportable use of force incidents, the duties of the responding supervisor will include, at a minimum:
   a. identifying known available witnesses to the use of force to the extent reasonably possible and documenting their identities and statements in a written report, except in incidents for which the Civilian Office of Police Accountability (“COPA”) receives administrative notifications and responds to the scene;
   b. coordinating with COPA, as appropriate;
   c. gathering and preserving evidence related to the use of force;
   d. requesting the assignment of an evidence technician to photograph persons involved in the incident, including any injuries sustained;
   e. ensuring that members and subjects receive appropriate medical care;
   f. making notifications as required by CPD policy; and
   g. reviewing reports regarding the incident for legibility and completeness.

224. In addition, for level 2 and level 3 reportable use of force incidents involving an injury or complaint of injury for which COPA does not have jurisdiction, the responding supervisor will undertake reasonable efforts to identify and interview additional witnesses beyond those that are known and available.

225. A supervisor who used force or ordered force to be used during a reportable use of force incident will not perform the duties assigned to the responding supervisor for that incident.

226. CPD will continue to require the responding supervisor to document information collected and actions taken in performing his or her investigatory duties in the supervisor’s portion of the TRR, or in any other similar form of documentation CPD may
implement.

227. Any CPD member who becomes aware of information indicating that a reportable use of force occurred but was not reported must immediately notify his or her supervisor.

**D. Supervisory Review of Reportable Uses of Force**

228. Supervisors play a critical role in ensuring that force is used legally, consistent with CPD policy, and in a manner that will promote community confidence in the Department. Supervisor reviews and investigations of uses of force are essential to identify necessary individual and departmental corrective action.

229. All reportable uses of force by CPD members must be reviewed by CPD supervisors.

230. After a reportable use of force has occurred, required TRRs have been completed, and, in the case of level 2 and level 3 incidents, a responding supervisor has documented any investigatory information collected, the incident will be reviewed and evaluated by a CPD supervisor at least the rank of Lieutenant, and in all instances at least one rank level above that of the highest-ranking member who engaged in the reportable use of force, or by a command staff member, when designated (“reviewing supervisor”).

231. The reviewing supervisor will conduct an investigation into the reportable use of force incident by reviewing all information reasonably available regarding the incident, including written reports, video or audio recordings, and, in the case of level 2 and level 3 reportable use of force incidents, witness statements, photographs (if available), and other evidence or information collected by the responding supervisor. After advising the subject of his or her right not to answer questions and other applicable rights, and only if the subject voluntarily consents to an interview, the reviewing supervisor will interview the subject solely about the reportable use of force. In addition, the reviewing supervisor will visually inspect the subject and document any injuries observed.

232. For all reportable uses of force, the reviewing supervisor will determine, based on the information reviewed, if the use of force requires a notification to COPA and will assess whether the use of force was in compliance with CPD policy (except for incidents involving deadly force or an officer-involved death). The reviewing supervisor will also review the TRR, or any similar form of documentation CPD may implement, for sufficiency and completeness.

233. For all reportable use of force incidents, the reviewing supervisor will: provide timely, constructive feedback, where appropriate, to the officer who engaged in the reportable use of force, the officer’s supervisor, or both; recommend additional training and/or support as necessary based on the incident; take appropriate action, including referring uses of force that may violate law or CPD policy to COPA.

234. CPD will continue to require the reviewing supervisor to document in a Tactical
Response Report – Investigation ("TRR-I"), or in any other similar form of
documentation CPD may implement, his or her detailed assessment of compliance with
CPD policy, any constructive feedback, and any required or recommended action. In
addition, the reviewing supervisor will include in the TRR-I or in any other similar form
of documentation CPD may implement, the identities of CPD members on scene during
the incident who are reasonably believed to have relevant knowledge or information
regarding the reportable use of force.

235. All district-level supervisory review documentation regarding a reportable use of
force incident must be completed within 48 hours of the incident, unless an extension is
approved by a command staff member.

E. Body-Worn Cameras

236. CPD will continue to develop, implement, and maintain a system of video
recording officers’ encounters with the public with body-worn cameras. The use of body-
wear cameras will be designed to increase officer accountability, improve trust and CPD
legitimacy in the community, and augment CPD’s records of law enforcement-related
activities.

237. CPD will continue to require all officers assigned to patrol field duties to wear
body-worn cameras and microphones with which to record law-enforcement related
activities as outlined in the Illinois Law Enforcement Officer-Worn Body Camera Act
(50 ILCS 706/10-1 et seq.), with limited exceptions, including, but not limited to, when
requested by a victim or witness of a crime, or interacting with a confidential informant.
CPD will develop and implement a written policy delineating the circumstances when
officers will not be equipped with bodyworn cameras.

238. CPD will continue to maintain a policy regarding body-worn camera video and
audio recording that will require officers to record their law-enforcement related
activities, and that will ensure the recordings are retained in compliance with the
Department’s Forms Retention Schedule (CPD-11.717) and the Illinois Law Enforcement
Officer-Worn Body Camera Act. At a minimum, CPD’s body-worn camera policy will:
  a. clearly state which officers are required to use body-worn cameras and under
     which circumstances;
  b. require officers, subject to limited exceptions specified in writing, to activate
     their cameras when responding to calls for service and during all law enforcement-related
     activities that occur while on duty, and to continue recording until the conclusion of the
     incident(s);
  c. require officers to articulate in writing or on camera their reason(s) for failing
     to record an activity that CPD policy otherwise requires to be recorded;
  d. require officers to inform subjects that they are being recorded unless doing so
     would be unsafe, impractical, or impossible;
  e. address relevant privacy considerations, including restrictions on recording
     inside a home, and the need to protect witnesses, victims, and children;
  f. establish a download and retention protocol;
g. require periodic random review of officers’ videos for compliance with CPD policy and training purposes;

h. require that the reviewing supervisor review videos of incidents involving reportable uses of force by a subordinate; and

i. specify that officers who knowingly fail to comply with the policy may be subject to progressive discipline, training, or other remedial action.

239. CPD officers must comply with the body-worn camera policy. CPD will impose progressive discipline, training, or other remedial action on officers who do not comply with the body-worn camera policy, as permitted by applicable law.

240. Any CPD officer required to wear a body-worn camera must:

   a. visually and physically inspect the body-worn camera and ensure that it is the member’s assigned camera, fully charged, and operational at the beginning of each tour of duty; and

   b. notify a supervisor as soon as practical if, at any time, the member’s assigned body-worn camera becomes inoperable (including when either or both of the audio or video recording functions is inoperable) or is damaged.

241. CPD will ensure that any CPD officer who reports an inoperable or damaged body-worn camera is promptly provided with a temporary or replacement body-worn camera, which will in no event be later than the beginning of the member’s next tour of duty.

242. CPD will ensure that CPD officers assigned to Department vehicles that are equipped with in-car cameras check that the cameras are fully functional at the beginning of each watch and make appropriate notifications when they are not. CPD will ensure that any nonfunctioning or malfunctioning in-car camera is repaired or replaced within two weeks of a CPD officer reporting that the in-car camera is not functioning properly.

**F. Use of Force Training**

243. CPD’s pre-service and in-service training must provide officers with knowledge of policies and laws regulating the use of force; equip officers with tactics and skills, including de-escalation techniques, to prevent or reduce the need to use force or, when force must be used, to use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and ensure appropriate supervision and accountability.

244. CPD’s training regarding the use of firearms, Tasers, OC devices, impact weapons, and other force options that CPD currently authorizes or may authorize in the future will be consistent with its commitment to de-escalation as a core principle. Any initial training, qualification, or requalification regarding these force options will incorporate scenario-based elements, including scenarios in which officers achieve resolution without employing force. CPD’s training regarding these force options will also provide specific guidance to officers regarding required procedures and techniques
after each of these force options are used, including procedures and techniques for limiting a subject’s injuries.

245. CPD will provide all current CPD officers with in-service use of force training on at least an annual basis, and more frequently when necessitated by developments in applicable law and CPD policy. CPD will coordinate and review all use of force training to ensure quality, consistency, and compliance with federal and state law, CPD policy, and this Agreement.

246. The annual use of force training will include the following topics:
   a. CPD policies and Fourth Amendment law governing the use of force;
   b. proper use of force decision-making that utilizes a critical thinking framework in which officers gather relevant facts; assess the situation, threats, and risks; consider CPD policy; identify options and determine the best course of action; and act, review, and reassess the situation;
   c. role-playing scenarios and interactive exercises that illustrate proper use of force decision-making;
   d. ethical decision-making and peer intervention, principles of procedural justice, the role of implicit bias, and strategies for interacting with individuals in crisis;
   e. de-escalation techniques and tactics to prevent or reduce the need for force, including exercising persuasion and advice, and providing a warning; stabilizing the situation through the use of time, distance, or positioning to isolate and contain a subject; and requesting additional personnel to respond or make use of specialized units or equipment; the proper deployment of CPD-issued or -approved weapons or technologies, including firearms and Tasers;
   f. use of force reporting, investigation, and review requirements, including documenting reportable use of force incidents; and
   g. other topics as determined based on the training needs assessment required by this Agreement.

247. CPD will also provide initial training on all of the topics identified above, as well as others, to all recruits as part of its recruit training curriculum.

248. Supervisors of all ranks, as part of their initial pre-service promotional training and other identified supervisory training, will receive training on the following:
   a. conducting use of force reviews or investigations appropriate to their rank;
   b. strategies for effectively directing officers in de-escalation principles and acting to intervene on the subject’s behalf when any use of force is observed that is excessive or otherwise in violation of policy; and
   c. supporting officers who report objectively unreasonable or unreported force, or who are retaliated against for attempting to prevent objectively unreasonable force.