

211 Response to Resistance Inquiry, Reporting, and Review

211.1 PURPOSE AND SCOPE

This directive sets forth Department policy and procedures for inquiring, reporting, and reviewing force incidents in response to resistance involving Department personnel. The specific required inquiry, reporting, and review of these incidents is determined by the force level, as defined in this order.

Personnel may delay compliance with the provisions of this order if the scene is unstable, there is unrest, or other conditions make immediate compliance impracticable. The protection of the public, Department personnel, and maintenance of public safety shall remain a top priority. Compliance with this order shall occur as soon as practicable. The approving supervisor shall ensure the reason for the delay is documented in the supervisor's supplement or ~~SharePoint~~ [AXON Standards](#) IRP.

211.1.1 DEFINITIONS

Inquiry: The preliminary review of the events surrounding a response to resistance incident, including the initial response to the scene and follow-up investigations.

Reporting: The process of documenting the information gathered in the inquiry of a response to resistance incident through written, oral and visual means and compiling that information into the appropriate packet for review.

Review: The process of evaluating all the given information obtained in the force incident inquiry and reporting stages to determine if the response to resistance complies with law and General Orders.

~~**Primary Review Commander:** The Commander responsible for conducting the initial review of the response to resistance incident.~~

~~**Secondary Review Commander:** A Commander independent of the involved officer's chain-of-command assigned to complete a secondary review of the response to resistance incident. The Secondary Review Commanders are assigned as follows:~~

~~Patrol Assignment are reciprocal~~

- ~~• Commander of Adam Sector will review Frank Sector~~
- ~~• Commander of Baker Sector will review Henry Sector~~
- ~~• Commander of Edward Sector will review David Sector~~
- ~~• Commander of Ida Sector will review Charlie Sector~~
- ~~• Commander of Charlie will review Ida Sector~~
- ~~• Commander of Henry will review Baker Sector~~
- ~~• Commander of David Sector will review Edward Sector~~
- ~~• Commander of Frank Sector will review Adam Sector~~

~~Support Assignments~~

- ~~• Commander of Organized Crimes will review DTAC Day and Evening I Lieutenant Shifts~~
- ~~• Commander of Highway Enforcement will review DTAC Evening 2 and Night Lieutenant Shifts~~
- ~~• Commander of Investigations II/Property Crimes will review Special Operations~~
- ~~• Commander of Special Operations will review Investigations I and II/Property Crimes~~
- ~~• Commander of Intelligence will review Special Events, Professional Standards, Recruiting/Training, and Organized Crimes~~
- ~~• Commander of Special Events will review Intelligence~~
- ~~• Commander of Recruiting/Training will review Highway Enforcement~~

211.1.2 IDENTIFYING RESPONSE TO RESISTANCE DOCUMENTATION

The following Response to Resistance reports and forms are required as determined by the force level of the incident:

Response to Resistance Incident Report: The initial incident report written by the primary reporting employee for all force level incidents. Title Code 8400 shall be added to the incident report by the primary reporting employee to identify the incident as a response to resistance incident. The Use of Force section of the "Details" page shall also be completed.

Response to Resistance Supplement: A supplement written to the primary reporting employee's incident report.

Response to Resistance SIU Inquiry Report: A separate incident report written by the Special Investigations Unit (SIU) for all Level 1 incidents and in-custody deaths.

Incident Review Folder: An electronic folder labeled with the case number, created in the G:\Digital Incident Review Folder which contains all applicable response to resistance supporting documentation.

Incident Review Packet (IRP): An administrative review of the incident to include response to resistance. The IRP is completed [on SharePoint in AXON Standards](#) by the appropriate ~~person, unit, or chain-of-command~~ [unit \(Force Review Unit \(FRU\) or SIU\)](#).

- ~~Level 1 incident review packets are completed by SIU. A chain-of-command inquiry is also required at the completion of the SIU report to identify department or individual equipment, training, and tactical issues.~~
- Level 2, Level 3, and Level 4 incident review packets are completed by the ~~supervisor conducting the inquiry~~ [FRU](#).

Group Reporting: The act of sharing, providing, or acquiring information with or from other officers or employees about an incident for the purpose of ensuring that officers or employees make similar reports about the incident that include information not consistent with the reporting officer's or employee's own perception or recollection of the incident. The act of reading another officer's or employee's report prior to completing a required report is considered group reporting.

211.2 DETERMINING THE CORRECT FORCE LEVEL

Force levels are broken up into four types: Level 1, Level 2, Level 3, and Level 4. Each level is defined below by the response to resistance used in the incident. These levels are established for inquiry, reporting, and review purposes only. If there is uncertainty about which level to designate a particular incident then the higher level shall be used.

211.2.1 LEVEL 1 FORCE INCIDENTS AND IN-CUSTODY DEATHS

- (a) Any force resulting in death.
- (b) Any force that resulted in a substantial risk of death.
- (c) Any intentional firearm discharge at a person, vehicle, or structure regardless of injury.
- (d) Any intentional firearm discharge at an animal that results in injury to another person.
- (e) Any unintentional firearms discharge resulting in another person's injury or death.
- (f) Any force that resulted in serious bodily injury requiring admittance to the hospital, beyond emergency room treatment and release (e.g., serious disfigurement, disability, or protracted loss or impairment of the functioning of any body part or organ).
- (g) Use of any impact weapon, including kinetic energy projectiles, and improvised weapons, that strikes the head of a subject.
- (h) In-Custody Deaths: For inquiry, reporting, and review purposes, all in-custody deaths occurring prior to or within 24 hours after booking shall be treated as Level 1 incidents and require

concurrent inquiries conducted by SIU and IA, regardless of whether force was used on the subject.

- (i) The utilization of the Precision Immobilization Technique when serious bodily injury or death occurs.

211.2.2 LEVEL 2 FORCE INCIDENTS

- (a) Any strike to the head by an employee with any weaponless technique.
- (b) Use of any impact weapons, including kinetic energy projectiles (other than a Taser), and improvised weapons, to strike a subject and contact is made, regardless of injury. (A strike to the head is a Level 1).
- (c) Any deployment of a police canine resulting in a bite to a subject's skin, or which results in any injury to a subject.
- (d) The utilization of the Precision Immobilization Technique, unless serious bodily injury or death occurs.

211.2.3 LEVEL 3 FORCE INCIDENTS

- (a) Use of Oleoresin Capsicum (OC/Pepper Spray) or other chemical agent on a subject.
- (b) Any Taser application ([including a Taser application that misses or does not cause NMI](#)).
- (c) Use of any impact weapon, including kinetic energy projectiles or any other similar object, in an attempt to strike a subject but no contact is made.
- (d) Use of a baton for a non-striking purpose (e.g., prying limbs, moving, or controlling a subject).
- (e) Any force resulting in injury or a continued complaint of pain, but not rising to a Level 1 or 2 incident.
- (f) Any weaponless technique that causes an impact to the body with or without a complaint of injury or pain. (A weaponless strike to the head is a Level 2). Examples of weaponless techniques include:
 - 1. Hand/palm/elbow strikes.
 - 2. Kicks or leg sweeps.
 - 3. Take-downs.
- (g) Any deployment of a police canine for the purpose of biting a subject whose location is known to the handler which results in no injury to the subject.

211.2.4 LEVEL 4 FORCE INCIDENTS

- (a) A level of force utilizing empty hand control techniques that does not result in injury or continued complaint of pain and does not rise to a Level 3 response to resistance. Examples include, but are not limited to:
 - 1. Restricting a subject's movement by strength or body weight (to include resisted escorting or handcuffing of a subject who is actively resisting arrest beyond the initial or reflexive stiffening or pulling away of a person's arm(s) that officers commonly encounter during handcuffing).
 - 2. Using leverage or strength to bring a subjects arms or legs together for the purposes of controlling, handcuffing, or hobbling the subject (to include resisted control, handcuffing, hobbling when the subject is actively resisting arrest beyond the initial or reflexive stiffening or pulling away of the subject's arm(s) or leg(s) that officers commonly encounter during efforts to control, handcuff, or hobble a subject).
 - 3. Pressure point control tactics.

211.2.5 ELEVATION OF A FORCE LEVEL INCIDENT

If information is uncovered during a response to resistance inquiry to indicate that the original force level falls into a higher category, the force level should be elevated to conduct the appropriate inquiry.

- (a) Supervisors have the discretion to elevate any Level 3 and Level 4 force incident to a Level 2 in order to conduct a more extensive inquiry and review of the incident.
- (b) Any supervisor, with the approval of the commander or Duty Commander, may elevate any response to resistance incident to a Level 1 force incident.

211.3 VIOLATIONS OF LAW OR GENERAL ORDERS

Supervisors receiving a complaint regarding a response to resistance incident will review the available information regarding the incident to determine if any credible evidence of a violation of General Orders or law may have occurred.

- (a) Supervisors making a determination based on objective evidence (e.g., MAV shows an allegation is false) that there is no credible evidence a violation of General Orders or law has occurred by the officer shall complete a Complainant Contact Form and forward it to IA.
 - 1. The incident shall be closed as information and tracked in the IA database for information purposes only.
 - 2. The force incident shall be handled based on the normal criteria as outlined in this order and the initiation of an IA investigation is not required.
- (b) Supervisors discovering, during the normal course of their review or in response to a complaint, any credible evidence a violation of law or General Orders may have occurred concerning the officer's response to resistance shall follow the guidelines outlined below.

211.3.1 CRIMINAL MISCONDUCT

Regardless of the original force level of the incident, if there is any credible evidence that criminal misconduct may have occurred by the officer then the incident shall be treated as a Level 1 force incident.

- (a) The supervisor shall immediately notify SIU and IA. The supervisor shall document the time and date SIU and IA were notified in the supervisor's supplement.
- (b) The Chief of Police shall be notified on all credible allegations of criminal conduct.
- (c) SIU and IA shall handle the concurrent investigation of criminal allegations as outlined in the Criminal Investigations and Administrative Investigations General Orders.

211.3.2 GENERAL ORDERS VIOLATION

- (a) If there is any credible evidence a General Orders violation may have occurred by the officer relating to his/her response to resistance then the incident shall be handled as follows:
 - 1. Level 1 force incidents - If the original incident would have been handled as a Level 1 force incident, supervisors shall notify SIU and IA of the possible General Orders violation and handle the response to resistance inquiry as a Level 1 force incident. Supervisors shall document the date and time SIU and IA were notified in the supervisor's supplement.
 - 2. Level 2, Level 3, and Level 4 force incidents - If the original incident would have been handled as a Level 2, Level 3 or a Level 4 force incident, supervisors shall notify IA of the possible General Orders violation and handle the response to resistance inquiry as a Level 2 force incident. Supervisors shall document the date and time IA was notified in the supervisor's supplement.
- (b) Internal investigations of General Orders violations shall be handled as outlined in General Order 902 (Administrative Investigations).

211.4 EMPLOYEE RESPONSIBILITIES FOR ALL FORCE LEVEL INCIDENTS

The following outlines the required responsibilities of involved employees, employees that witness an incident, and employees designated to assist at the scene of any response to resistance incident. If a juvenile is in custody related to the incident, the juvenile should not be interviewed unless the juvenile has been brought before a magistrate.

- (a) Involved employees shall notify their supervisor as soon as practicable of any force incident or allegation of use of force.
- (b) Involved employees shall request EMS as soon as practicable when a subject complains of injury, has visible injuries, or the circumstances indicate that an injury may have occurred. For purposes of this section "Injury" does not include TASER probe marks that are not in a sensitive area of the body. Officers will comply with section 208.5 in regards to post-TASER deployment medical treatment.

- (c) If a person not under arrest is transported for medical treatment as a direct result of an officer's response to resistance, an officer will accompany that person to the medical facility for monitoring unless or until a supervisor believes such monitoring is no longer necessary.
- (d) Employees not involved in the force incident may be directed by a supervisor to assist at a force incident scene. This may include locating and identifying witnesses to the incident.
 - 1. Employees shall notify a supervisor in the event a witness refuses to give a statement or provide identifying information.
 - 2. Employees shall not detain or delay a witness who refuses to remain at the scene.
 - (a) The witness' physical description, license plate, comments, or other identifiers shall be documented in the employee's supplemental report.
 - (b) Any photographs or videotape containing images of a witness who refused to remain at the scene shall be saved in the incident review folder.

211.4.1 EMPLOYEE REPORTING GUIDELINES FOR ALL FORCE LEVEL INCIDENTS

The following outlines the reporting guidelines for involved employees, employees that witness an incident and employees designated to assist at the scene of any response to resistance incident.

- (a) An incident report shall be completed by the primary reporting employee and include title code 8400. This report shall be written regardless of whether a report or supplement would normally be written for the initial incident.
- (b) Supplements shall be completed by:
 - 1. All other employees who are involved in a force incident.
 - 2. Employees who witness a force incident.
 - 3. Employees assisting at the scene of a force incident.
 - 4. A supervisor is required to complete a supplement to the response to resistance incident report for Level 1 incidents. They may also be required by SIU to complete a supplement to the SIU inquiry report.
- (c) The following information shall be included in each report and supplement:
 - 1. The original reason for police presence on the scene.
 - 2. The name and employee number of the supervisor notified of the incident.
 - 3. A detailed description of the circumstances and subject actions that resulted in the response to resistance.
 - 4. A detailed description of the force used.
 - (a) Include specific details regarding any weapon used on a subject (e.g., when OC spray is used you document the number of bursts, duration of each burst, the approximate distance from the subject, the location of spray contact).
 - 5. Subject and witness information.
 - 6. Reports shall not contain "boilerplate" or "pat" language (e.g., "furtive movement" or "fighting stance") without descriptive details of the action.
 - 7. Involved employees shall also complete the force section of the "Details" page in their report/supplement.
- (d) All incident reports and supplements shall be completed separately and without discussing the details of the incident with other personnel. "Group reporting" is prohibited. Debriefing after an incident and/or the necessary discussions to further the training requirements of officers enrolled in the Field Training Program (FTP) are allowed.

211.5 DESIGNATION OF SUPERVISOR TO CONDUCT INQUIRY

The supervisor of the employee involved in the force incident shall typically be the primary supervisor conducting the force inquiry. The following exceptions apply:

- (a) If an incident involves multiple employees with different supervisors, those supervisors should work together to determine who will be the primary reporting supervisor. If an agreement cannot be reached, a Lieutenant from the area where the incident occurred or the Watch Commander shall assign one supervisor to be the primary reporting supervisor. The responding supervisor will conduct the force inquiry. Additionally, the responding supervisor will notify the other involved

employees' supervisor(s) of the force incident and their employee's involvement. This notification will be made by e-mail and will include the incident report number.

- (b) A supervisor involved in a force incident shall not review the incident or conduct the inquiry. An involved supervisor includes a supervisor that directs or orders force to be used. A supervisor who is at the scene and witnesses the incident, but is not directly involved in the force incident, may conduct the inquiry.
- (c) If an employee the rank of sergeant or lieutenant is involved in a Level 2, Level 3, or Level 4 force incident, another supervisor the rank of the involved employee or higher shall conduct the inquiry.
- (d) If an employee the rank of commander or higher is involved in a Level 2, Level 3, or Level 4 force incident, the employee will notify their immediate supervisor and the Duty Commander. At the direction of the Duty Commander, an on duty lieutenant may be designated to complete the inquiry.
- (e) Corporals may be designated as the inquiry supervisor as follows:
 - 1. Level 1 Incidents - Corporals may not act as the designated supervisor to conduct inquiries for Level 1 Force Incidents.
 - ~~2. Level 2 Incidents—As long as an employee is in their chain-of-command, or when responding as the acting sergeant to an incident occurring in their sector involving a Department officer working an off-duty LERE position, corporals may conduct the initial on-scene inquiry of a Level 2 incident when serving as acting sergeant or when the sergeant is not immediately available. The corporal should notify the corporal's supervisor, lieutenant, or other designated supervisor of the Level 2 incident by the end of the shift and the initial Level 2 SharePoint IRP should be forwarded within eight (8) working days for final approval or further inquiry.~~
 - ~~3.~~ 2. Level 2, 3, and Level 4 Incidents: Corporals may function as the designated supervisor to conduct inquiries for Level 2, 3, and Level 4 force incidents.

211.6 LEVEL 1 AND IN-CUSTODY DEATH INQUIRY, REPORTING, AND REVIEW REQUIREMENTS

Level 1 force incidents require an inquiry be conducted by SIU and may also concurrently be investigated by IA. In-custody deaths occurring prior to or within 24 hours after booking require concurrent inquiries conducted by SIU and IA, regardless of whether force was used on the subject. The following sections explain the responsibilities in Level 1 force incidents and in-custody deaths for:

- (a) Supervisors,
- (b) Special Investigations Unit (SIU),
- (c) Lieutenants,
- (d) Chain-of-command, and
- (e) Internal Affairs (IA).

211.6.1 SUPERVISOR RESPONSIBILITIES IN LEVEL 1 AND IN-CUSTODY DEATH INCIDENTS

Supervisors shall respond to the scene of all Level 1 force incidents and in-custody deaths unless a hostile crowd or other conditions make such a response impracticable. In such incidents, an alternate safe location shall be designated by the supervisor.

- (a) Supervisors are responsible for managing the scene until a higher ranking supervisor or the ranking SIU supervisor arrives.
- (b) Supervisors should secure and manage the scene upon arrival and:
 - 1. Take all reasonable steps to obtain emergency medical attention for all injured individuals.
 - 2. Ensure involved personnel, subjects, and witnesses are separated, identified and advised that communication regarding the incident with other people is prohibited.
 - 3. Obtain a brief overview of the situation from available sources.
 - 4. Following an officer involved shooting, the supervisor shall administer the public safety questions to the involved officers(s). If necessary, the supervisor shall administratively order any officer from this department to immediately provide public safety information to secure the scene, pursue subjects, and located any possible injured persons requiring medical attention.

- (a) The public safety questions can be found on form PD0297 located in the APD Approved Forms Folder. The information shall be limited to such things as outstanding subject information, number and direction of shots fired, perimeters of the incident scene, identity of known witnesses, and similar information.
- (b) The public safety questions shall be captured using the BWC system. When the BWC system is unavailable, the DMAV system shall be used.
- 5. With the exception of answering the public safety questions, involved personnel subject to a potential criminal investigation shall be able to speak with an APA union representative and/or their attorneys prior to speaking with a supervisor.
- 6. Ensure a crime scene is established:
 - (a) Ensure a Crime Scene Security Log (PD0175) is maintained to record the time and identifying information of all persons entering and exiting the scene.
 - (b) Ensure the Crime Scene Security Log is delivered to the SIU investigator.
- 7. Ensure an appropriate sized perimeter is established, if needed.
- 8. Assess the need for additional resources and notify the Watch Lieutenant and appropriate lieutenant.
- 9. Identify the number of subjects involved and coordinate the apprehension of subject(s) who are unaccounted for.
- 10. Assign employees who were not involved with the force incident to conduct a reasonable canvass in an effort to identify witnesses in the proximity of the incident. Witness information should be provided to on scene investigators as soon as practicable and shall be documented in the employee's supplement.
- 11. Assign employees who were not involved with the force incident to identify any possible sources of video of the scene, such as security cameras, and determine if they contain any pertinent video. Any information regarding sources of pertinent video should be provided to on-scene investigators as soon as practicable and shall be documented in the employee's supplement.
- 12. Coordinate the preliminary inquiry with the SIU and IA investigators to include, but not limited to:
 - (a) Identifying employees either involved in or witness to the incident.
 - (b) Designating the primary reporting officer for the response to resistance incident report.
 - (c) Ensuring the preservation of evidence.
 - (d) Assisting investigators to ensure statements are taken.
- (c) Once the scene has been cleared, supervisors shall be responsible for the following:
 - 1. Completing a supplement to the response to resistance incident report detailing their actions. SIU may direct a supervisor to complete a supplement to the SIU inquiry report as well.
 - ~~2. Reviewing the primary reporting employees' response to resistance incident report and change the 8400 title code to 8401 to indicate a Level 1 force incident.~~
 - ~~3.2.~~ Identifying Department or individual equipment, training, and tactical issues, if applicable.
 - ~~4.3.~~ Making recommendations for corrective action when appropriate. ~~Recommendations shall be documented in the SharePoint IRP.~~

211.6.2 SPECIAL INVESTIGATIONS UNIT (SIU) RESPONSIBILITIES IN LEVEL 1 AND IN-CUSTODY DEATH INCIDENTS

The ranking SIU supervisor on-scene of a Level 1 incident shall assume command of the scene. SIU shall conduct a response to resistance inquiry and forward the incident review packet to the involved employee's chain-of-command within forty-five (45) calendar days, unless extended by an assistant chief. A referral to IA may be initiated if SIU or the chain-of-command discovers credible evidence of a General Orders violation during their review of a Level 1 force incident. All in-custody death incidents will have a concurrent investigation with IA. [SIU is responsible for changing the 8400 title code to 8401 to indicate a Level 1 force incident.](#)

211.6.3 LIEUTENANT RESPONSIBILITIES IN LEVEL 1 AND IN-CUSTODY DEATH INCIDENTS

On-duty lieutenants responsible for the area in which the response to resistance incident has occurred will respond to the scene to assume scene management and ensure the assigned supervisor coordinates and assists with a thorough and proper preliminary inquiry. When appropriate, lieutenants may place the involved employees on restricted duty with the approval of the employee's commander or the Duty Commander.

~~211.6.4 CHAIN-OF-COMMAND REVIEW RESPONSIBILITIES IN LEVEL 1 AND IN-CUSTODY DEATH INCIDENTS~~

~~The chain-of-command, up to and including the appropriate assistant chief, shall review the response to resistance incident review packet for Level 1 force incidents. All reviewers shall:~~

- ~~(a) Document their review following IA administrative procedures relating to the IA investigation of the incident.~~
- ~~(b) Review the incident review packet and evaluate the report and supplements for compliance with law and General Orders. Any reports that are incomplete or inadequate shall be returned to ensure corrections are made.~~
- ~~(c) Order further inquiry or additional resources when necessary.~~
- ~~(d) Evaluate and comment on any training, tactical, or equipment issues.~~
- ~~(e) Document any extension approvals for report deadlines. The employee's commander shall ensure SIU and IA are notified of any deadline extensions.~~
- ~~(f) Forward the response to resistance incident review packet to the next level in the chain-of-command under which the involved employee was working when the incident occurred, within eight (8) working days from the time it was received for review.~~
- ~~(g) Upon completion of the review, and the final disposition of any Administrative Investigation, if applicable, the commander shall:
 - ~~1. Forward all approved incident review packet links via email to APD Training.~~
 - ~~2. Document any identified individual, command or Department-wide training issues:
 - ~~(a) If an individual or command training issue is identified, the commander shall ensure training is conducted and a training memorandum is completed and forwarded to the commander of the Training Division for review and appropriate additional action, if any; and/or~~
 - ~~(b) Request Department-wide training from the Training Division.~~
 - ~~(c) Scan the final signed memorandum into the electronic folder.~~~~~~

211.6.54 INTERNAL AFFAIRS RESPONSIBILITIES IN LEVEL 1

- (a) If an Administrative Investigation is initiated due to alleged misconduct by an APD employee, at any stage of the inquiry or review process, the process established by General Order 902 (Administrative Investigations) will be followed.
- (b) Upon final disposition of the Administrative Investigation, IA will notify the involved employee's commander.
- (c) For in custody deaths and officer involved shootings, IA will forward the electronic link to the Force Review Board.

211.7 LEVEL 2 INCIDENT INQUIRY, REPORTING, AND REVIEW REQUIREMENTS

The following sections explain the responsibilities in Level 2 force incidents for:

- (a) Supervisors, and
- (b) Chain-of-Command.

211.7.1 SUPERVISOR RESPONSIBILITIES IN LEVEL 2 FORCE INCIDENTS

Level 2 force incident inquiries are conducted by the designated inquiry supervisor. A supervisor shall respond to the scene of all Level 2 force incidents unless a hostile crowd or other conditions make such a response impracticable. In such incidents, an alternate safe location shall be designated by the supervisor.

- (a) Supervisors should secure and manage the scene upon arrival and:

1. Ensure involved personnel, subjects, and witnesses are identified, separated, and advised that communication regarding the incident with other people is prohibited.
 2. Verbally review the general circumstances of the incident individually with the involved personnel, subjects, and witnesses. All employee statements shall be captured using the BWC recording system. When the BWC system is unavailable, the DMAV system shall be used.
 3. Ensure the reporting level is consistent with the facts and assess whether injuries, if present, are consistent with the force applied.
 4. Ensure a perimeter is established if needed.
 5. Locate injured subjects and ensure medical services have been requested as needed.
 6. Assess the need for additional resources and make appropriate notifications.
 7. Identify the number of subjects involved. Coordinate the apprehension of subject(s) outstanding.
 8. Personally interview witnesses and the subjects upon whom the force was used, or alleged to have been used, and obtain a statement. The statement should be captured using a [BWC](#) or MAV recording system. If a statement is not obtained by video or audio, the supervisor shall thoroughly document the information [in an email to the FRU](#) ~~in their SharePoint IRP~~ and explain the circumstances that prevented the recording.
 9. Assign employees who were not involved with the force incident to conduct a reasonable canvass in an effort to identify witnesses in the proximity of the incident. Witness information should be provided to the on-scene supervisor as soon as practicable and shall be documented in the employee's supplement. ~~Witness information shall also be documented in the supervisor's SharePoint IRP.~~
 10. Assign employees who were not involved with the force incident to identify any possible sources of video of the scene, such as security cameras, and determine if they contain any pertinent video. Any sources of pertinent video should be provided to on scene supervisor as soon as practicable and shall be documented in the employee's supplement.
 11. Ensure digital images or photographs are taken of:
 - (a) The physical condition of the subject and involved personnel to record the presence or lack of injuries.
 - (b) The scene where the response to resistance incident occurred.
 - (c) Other relevant evidence.
 12. If a kinetic energy projectile is used in the force incident, all spent projectiles shall be submitted to evidence for retention.
 13. Supervisors shall ensure all MAV media is properly classified if it contains any information or statements related to the incident.
- (b) Once the scene has been cleared, supervisors shall be responsible for the following:
1. [Using the FRU template, send an email notification to the FRU prior to the end of their tour of duty.](#)
 - ~~4-2.~~ Send email notifications with the incident report number prior to the end of the tour of duty to the:
 - ~~2-(a)~~ Involved employee's chain-of-command up to the commander.
 - ~~(a)(b)~~ Reviewing supervisor's chain-of-command up to the commander, if not already included.
 - ~~(b)(c)~~ Commander of the area where the incident took place, if not already included.
 - ~~3.~~ ~~Supervisors shall review the primary reporting employee's response to resistance incident report and change the 8400 title code to 8402 for Level 2 force incidents.~~
 - ~~4.~~ ~~Complete an Incident Review Packet on SharePoint filling in all applicable fields to include:~~
 - ~~(a)~~ ~~All pertinent information relating to the resistance and the officer(s) response to resistance.~~
 - ~~(b)~~ ~~The findings of the supervisor investigation, including whether the response to resistance complies with law and General Orders.~~

1. Utilization of the Precision Immobilization Technique (PIT) will be handled in both the pursuit review and Level 2 response to resistance sections of the SharePoint IRP and reviewed through the rank of Commander.
- (c) Any training issues or General Orders violations on the part of the involved officer(s), if applicable.
5. Create an electronic folder with the case number in the folder G:\Incident Review Folder containing all supporting documentation which is not already located in a different location on the APD Network. Supporting documentation includes but is not limited to:
 - (a) Copies of private surveillance video, cell phone video, etc.
6. Forward the electronic link(s) to the SharePoint IRP and the digital incident review folder to the next level in the chain of command under which the involved employee was working when the incident occurred, within eight (8) working days from the time the incident occurred.
7. Supervisors shall conduct a thorough review of all documents including the response to resistance incident report and any supplements to ensure completeness, accuracy, and quality and send it to the next level in the chain of command within eight (8) working days of the date of incident.

211.7.2 CHAIN-OF-COMMAND REVIEW RESPONSIBILITIES IN LEVEL 2 FORCE INCIDENTS

The chain of command, up to and including the commander, shall review Level 2 force incidents.

(a) All reviewers shall:

1. Review the SharePoint IRP and evaluate the report and supplements for compliance with law and General Orders.
2. Document in the SharePoint IRP whether the response to resistance was within General Orders:
 - (a) Each level of the chain of command should comment in the applicable review fields in the SharePoint IRP.
3. Evaluate and comment on any training, tactical, or equipment issues.
4. Order further inquiry or additional resources when necessary.
5. Ensure any reports that are incomplete or inadequate are returned and corrections made.
6. Supervisors shall conduct a thorough review of all documents including the response to resistance incident report and any supplements to ensure completeness, accuracy, and quality. Each level of the chain of command, up to and including the Primary Commander, shall review the incident according to the following timeline:
 - (a) Sergeants shall complete their review of the SharePoint IRP and send it to the next level in the chain of command within eight (8) working days of the date of the incident.
 - (b) Lieutenants shall complete their review of the SharePoint IRP and send it to the next level in the chain of command within eight (8) working days from the time the incident was received for review.
 - (c) The Commander shall complete their review of the SharePoint IRP within eight (8) working days from the time the incident was received for review. A case note shall be added to the SharePoint IRP to document their review.
 - (d) The Commander may grant an extension to any deadline for completing a review listed above in subsection (a)(6)(a) or (a)(6)(b). Requests for extensions must be based upon delays in the review process, including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.
 - (e) An assistant chief may grant an extension to any of the deadlines for completing a review listed in subsections (a)(6)(a) - (d). Requests for extensions must be based upon delays in the review process including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.

(b) Upon completion of the review, the commander shall:

1. Forward link(s) to all approved SharePoint IRP via email to APD Training and appropriate review board(s).

- ~~2. Document any identified individual, command or Department-wide training issues:
 - ~~(a) If an individual training issue is identified an Employee Success Plan may be implemented. If a command training issue is identified, the commander shall ensure training is conducted; and/or~~
 - ~~(b) Request Department-wide training from the Training Division.~~~~

211.8 LEVEL 3 INCIDENT INQUIRY, REPORTING, AND REVIEW REQUIREMENTS

Level 3 force incidents require the involved employees to document the incident in a report and notify their supervisors. Supervisors shall conduct a review of Level 3 force incidents as outlined below but may upgrade any Level 3 force incident to a Level 2 force incident in order to conduct a more extensive review. Any Level 3 that is upgraded to a Level 2 shall be investigated and documented in the same manner as a Level 2.

- (a) Supervisors shall respond to the scene of any Level 3 incident involving:
 1. Use of OC spray or other chemical agent on a subject.
 2. Any Taser application. See the "Report of Use" section of General Order 208 (TASER® Guidelines) for specific information to be included in the report.
 3. Use of an impact weapon.
 4. Any incident resulting in injury or continued complaint of pain.
 5. Any deployment of a police canine for the purpose of biting a subject whose location is known to the handler which results in no injury to the subject.
- ~~(b) Supervisors shall review the primary reporting employees' response to resistance incident report:~~
 - ~~1. (b) When required to respond, supervisors shall review the general circumstances of the incident with the involved personnel, subjects, and witnesses. If the interview is conducted by phone, the officer and supervisor will activate the speakerphone. All employee statements shall be captured using a BWC recording system. When the BWC system is unavailable, the DMAV system shall be used.~~
 - ~~2. (c) Ensure the reporting level is correct based on all of the facts gathered during the response to resistance review inquiry.~~
 - ~~3. Incomplete or inadequate reports shall be returned for additional details or clarification.~~
 - ~~4. Supervisors shall change the 8400 title code in the Versadex incident report and detail page to 8403 for Level 3 force incidents.~~
 - ~~5. Supervisors shall complete an Incident Review Packet on SharePoint filling in all applicable fields to include:
 - ~~(a) All pertinent information related to the resistance and the officer(s) response to resistance.~~
 - ~~(b) The findings of the supervisor investigation, including whether the response to resistance complies with law and General Orders.~~
 - ~~(c) Any training issues or General Orders violations on the part of the involved officer(s), if applicable.~~~~
 - ~~6. Supervisors shall ensure all MAV media is properly classified if it contains any information or statements related to the incident.~~
- ~~(e)(d)~~ If a TASER Device is used in the force incident, the data report shall be downloaded and a copy scanned into the image section of the Versadex incident report or submitted into evidence with the spent cartridge for retention. If a TASER 7 or newer model is used, upload the TASER log into Evidence.com. Attaching the TASER log to Versadex is not required for the TASER 7 or newer model.
- ~~(d) Supervisors shall conduct a thorough review of all documents including the response to resistance incident report and any supplements to ensure completeness, accuracy, and quality. Each level of the chain-of-command, up to and including the Primary and Secondary Review Commanders, shall review the incident according to the following timeline:
 - ~~1. Sergeants shall complete their review of the SharePoint IRP and send it to the next level in the chain-of-command within eight (8) working days of the date of the incident.~~
 - ~~2. Lieutenants shall complete their review of the SharePoint IRP and send it to the next level in the chain-of-command within eight (8) working days from the time the incident was received for review.~~~~

- ~~3. The Primary Review Commander shall complete their review of the SharePoint IRP and send it to the designated Secondary Review Commander for final review within eight (8) working days from the time the incident was received for review. A case note shall be added to the SharePoint IRP to document their review.~~
- ~~4. The Primary Review Commander may grant an extension to any deadline for completing a review listed above in subsection (d)(1) or (d)(2). Requests for extensions must be based upon delays in the review process, including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.~~
- ~~5. An assistant chief may grant an extension to any of the deadlines for completing a review listed in subsections (d)(1) - (4). Requests for extensions must be based upon delays in the review process including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.~~
- ~~6. The Secondary Review Commander shall complete the final review of the SharePoint IRP and notify the Primary Review Commander within eight (8) working days from the date the Secondary Review Commander received the review from the Primary Review Commander.~~
- ~~(e) Level 3 incidents that involve the use of OC, Taser (where contact is made), or weaponless strikes on a restrained subject will be forwarded to the Force Review Board by the Primary Review Commander for their review.~~
- (e) Once the scene has been cleared, supervisors shall be responsible for using the FRU template, send an email notification to the FRU prior to the end of their tour of duty.

211.9 LEVEL 4 INCIDENT INQUIRY, REPORTING, AND REVIEW REQUIREMENTS

Level 4 force incidents require the involved employees to document the incident in a report and notify their supervisors. Supervisors shall conduct a review of Level 4 force incidents as outlined below, but may upgrade any Level 4 force incident to a Level 3 or Level 2 force incident in order to conduct a more extensive review.

- (a) Supervisors shall be briefed by the primary reporting officer to determine whether or not the Level 4 force incident should be upgraded. If the determination is made to upgrade the incident then it will be investigated in accordance with the appropriate level as determined by this General Order.
- (b) Supervisors shall review the primary reporting employees' response to resistance incident report:
 1. Supervisors shall review the general circumstances of the incident with the involved personnel and ensure the reporting level is correct based on all of the facts gathered during the response to resistance ~~review~~ inquiry.
- (c) Once the scene has been cleared, supervisors shall be responsible for using the FRU template to send an email notification to the FRU prior to the end of their tour of duty.
 - ~~2. Incomplete or inadequate reports shall be returned for additional details or clarification.~~
 - ~~3. Supervisors shall change the 8400 title code in the Versadex incident report and detail page to 8404 for Level 4 force incidents.~~
 - ~~4. Supervisors shall complete an Incident Review Packet on SharePoint filling in all applicable fields to include:
 - ~~(a) All pertinent information related to the resistance and the officer(s) response to resistance.~~
 - ~~(b) The findings of the supervisor investigation, including whether the response to resistance complies with law and General Orders.~~
 - ~~(c) Any training issues or General Orders violations on the part of the involved officer(s), if applicable.~~~~
 - ~~5. Supervisors shall ensure all MAV media is properly classified if it contains any information or statements related to the incident.~~
 - ~~6. Supervisors shall conduct a thorough review of all documents including the response to resistance incident report and any supplements to ensure completeness, accuracy, and~~

~~quality. Each level of the chain of command, up to and including the Primary Commander, shall review the incident according to the following timeline:~~

- ~~(a) Sergeants shall complete their review of the SharePoint IRP and send it to the next level in the chain of command within eight (8) working days of the date of the incident.~~
- ~~(b) Lieutenants shall complete their review of the SharePoint IRP and send it to the next level in the chain of command within eight (8) working days from the time the incident was received for review.~~
- ~~(c) The Commander shall complete their review of the SharePoint IRP within eight (8) working days from the time the incident was received for review. A case note shall be added to the SharePoint IRP to document their review.~~
- ~~(d) The Commander may grant an extension to any deadline for completing a review listed above in subsection (b)(6)(a) or (b)(6)(b). Requests for extensions must be based upon delays in the review process, including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.~~
- ~~(e) An assistant chief may grant an extension to any of the deadlines for completing a review listed in subsections (b)(6)(a)-(d). Requests for extensions must be based upon delays in the review process including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.~~

211.10 INCIDENTS DURING SECONDARY LAW ENFORCEMENT RELATED EMPLOYMENT (LERE)

Officers involved in a force incident while working secondary law enforcement related employment (LERE) shall be required to comply with this order. Supervisors in the area where the force incident occurred shall conduct the inquiry. However, for Level 3 and Level 4 force incidents, should the LERE assignment employ two or more officers and one of the officers is a supervisor not involved in the force incident, the LERE supervisor may conduct the ~~review~~ [inquiry](#).

211.11 INCIDENTS OCCURRING OUTSIDE THE CITY OF AUSTIN

Employees involved in a Level 1, Level 2, Level 3, or Level 4 force incident while taking police action outside of the City of Austin shall notify the proper law enforcement authority having jurisdiction, contact their supervisor, and follow the reporting procedures outlined in this order.

~~**211.12 SPECIAL CIRCUMSTANCES**~~

~~Any deviation from the above reporting requirements must be approved by an assistant chief and only for special circumstances (e.g., mass arrest situations, emergency crowd control).~~

211.12 FRU RESPONSIBILITIES IN LEVEL 2, 3, AND 4 INCIDENTS

- (a) Once the FRU has received an R2R email notification, the FRU Lieutenant will assign an FRU Sergeant to investigate the response to resistance.
- (b) The assigned FRU Sergeant will be responsible for the following:
 - 1. The FRU Sergeant shall review the primary reporting employee's response to resistance incident report and change the 8400 title code to the appropriate 8402, 8403, or 8404 title code.
 - 2. Complete an Incident Review Packet (IRP) in AXON Standards, filling in all applicable fields to include:
 - (a) All pertinent information relating to the resistance and the officer(s) response to resistance.
 - (b) The findings of the investigation, including whether the response to resistance complies with law and policy.
 - (c) Any training issues, tactical concerns, equipment issues, or policy violations on the part of the involved officers(s), if applicable.

3. Add and attach all supporting documentation in the AXON Standards IRP. Supporting documentation includes but is not limited to:
 - (a) Copies of private surveillance video, cell phone video, etc.
 4. FRU Sergeants shall conduct a thorough review of all documents including the response to resistance incident report and any supplements to ensure completeness, accuracy, and quality.
- (c) Once the FRU Sergeant has completed a level 3 or 4 review, they will mark the AXON Standards IRP as complete.
 - (d) Once the FRU Sergeant has completed a level 2 review, they will route the AXON Standards IRP to the FRU Lieutenant.
 - (e) The FRU Lieutenant will review the incident for the following:
 1. Review whether or not the response to resistance was within law and policy.
 2. Review whether or not training issues or policy violations occurred.
 3. Review the investigation completed by the assigned FRU Sergeant.
 - (f) If any training issues or potential policy violations are identified, the assigned FRU Sergeant will notify the FRU Lieutenant and route the AXON Standards IRP to the chain-of-command under which the involved employee is currently assigned, within eight (8) working days from the time the FRU was notified of the incident.
 - (g) The assigned FRU Lieutenant will immediately notify the FRU Commander of any potential major policy violations or criminal violations.
 1. The FRU Commander will notify the subject officer's Commander of any potential major policy violations or criminal violations.
 2. The Chain of Command Commander will notify SIU and IA of any potential or criminal violations.
 3. The Chain of Command Commander will notify IA of any potential policy violations.
 - (a) The date and time of the notifications will be documented in the AXON Standards IRP.
 4. The Chief of Police will be notified of any potential criminal violations.
 - (h) FRU Sergeants will complete their assigned reviews in eight (8) working days, unless granted an extension by the FRU Lieutenant.
 1. Requests for extensions must be based upon delays in the review process, including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.
 2. The reason and new deadline for extensions will be documented in the AXON Standards IRP.
 - (i) The FRU Lieutenant will complete their assigned reviews in eight (8) working days, unless granted an extension by the FRU Commander.
 1. Requests for extensions must be based upon delays in the review process, including, but not limited to: delays in gathering evidence, staffing or scheduling issues by anyone in the review process, or other unforeseen emergency situations that may interfere with the completion of the review.
 2. The reason and new deadline for extensions will be documented in the AXON Standards IRP.

211.13 CHAIN-OF-COMMAND RESPONSIBILITIES IN LEVEL 2, 3, AND 4 INCIDENTS

- (a) If the FRU has routed any identified training issues or potential policy violations to an officer's chain of command, the chain of command will review the identified training issues or potential policy violations and take the appropriate actions according to policy.
 1. All actions will be documented, within eight (8) working days in the AXON Standards IRP, to include:
 - (a) Any corrective actions taken
 - (b) Any training administered

(b) If the Chain of Command Commander disagrees with the FRU Commander on identified policy issues, the Chain of Command Commander will notify the affected Assistant Chief for final disposition of the identified issue.

211.124 SPECIAL CIRCUMSTANCES

Any deviation from the above reporting requirements must be approved by an assistant chief and only for special circumstances (e.g., mass arrest situations, emergency crowd control). The event must still be reviewed by the FRU and the review process must be approved by the FRU Commander.