Reporting Use of Force

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The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Model Policy**: Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.

- **Concepts & Issues Paper**: Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.

- **Need to Know...**: Synthesizes the key points of the topic into a brief, one-page overview. This document is developed by Policy Center staff following the final approval of the policy and paper.
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I. PURPOSE

It is the purpose of this policy to provide guidelines for reporting use of force.

II. POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the law enforcement agency and the jurisdiction that provides this authority. As such, it is the policy of this law enforcement agency that use of force, as designated herein, be reported in a timely, complete, and accurate manner by involved officers and as otherwise prescribed by this policy.

III. DEFINITIONS

Use of Force: For purposes of this document, use of force is the amount of effort required by law enforcement to achieve compliance or overcome a subject’s physical resistance to any command, arrest, or detention. This includes any use of force occurring while the officer is acting in an official law enforcement capacity, including undercover, plainclothes, or uniform assignments, whether the officer is on or off duty. Use of force may include, but is not limited to, use of chemical or electronic force; open-handed strikes, punches, or kicks; displaying a firearm for purposes of compelling compliance; discharging a firearm; or using physical intervention with a vehicle that could reasonably result in injury or death. This does not include the use of handcuffs as a restraint in arrest and transport activities; physical removal of passively resisting demonstrators; presence of officers, horses, or canines; or issuance of verbal commands.

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

IV. PROCEDURES

A. Responsibility for Reporting

1. Officers shall provide a verbal notification to a supervisor immediately following any use of force. This includes both officers who used force and those who witnessed the use of force.

2. In addition to the verbal notification, officers shall file a written use-of-force report before the end of the shift.
3. Each officer who uses force or witnesses an incident involving force shall submit a separate written use-of-force report.

B. Report Content/Information

1. All use-of-force reports shall be comprehensive and provide the degree of specificity necessary to fully document and evaluate the officer’s force response.

2. Officers should ensure that their use-of-force report accurately relates what the officer knew, observed, or believed at the time of the incident. Facts or information revealed following the incident should not be included in the officer’s initial use-of-force report but may be included in a supplemental report.

3. At a minimum, reports shall include the following information. Any additional information that would add to a complete understanding of the incident should also be included.
   - The nature of the incident;
   - Where (address or latitude and longitude) and when (date and time) the incident took place;
   - Location type of the incident (using location codes from NIBRS);
   - Whether the incident was in response to a call for service or an officer-initiated action;
   - Information on the subject, including age, sex, race, and ethnicity;
   - Information on the officer, including age, sex, race, ethnicity, years of service, and whether serving full-time;
   - The size and build of the subject in relationship to the officer;
   - Reason for initial contact between the subject and officer, including any suspected unlawful or criminal activity;
   - Whether the incident was an ambush;
   - Whether the officer was:
     - Readily identifiable as law enforcement, including whether he or she was in uniform or plain clothes;
     - Operating a marked or unmarked law enforcement vehicle or on foot patrol;
     - On or off duty; and
     - Accompanied by other officers.
   - Whether a supervisor or a senior officer acting in a supervisory capacity was present or consulted at any point during the incident;
   - Whether backup was requested and, if so, when it arrived;
   - Whether the officer approached the subject or was approached by the subject;
   - Whether associates of the subject were present at the time;
   - Whether witnesses were present at the time;
   - Whether there was any cause to believe the subject was armed or hostile;
   - The subject’s general demeanor, including any known or apparent impairments;
   - Any verbal exchange that transpired;
   - The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by the officer(s);
   - Any threat to the officer or another person;
   - Type, intensity, and duration of resistance to arrest by the subject to include any threat to others;
   - Any de-escalation attempts made;
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• Any force options available to the officer and the reason for the level of force response employed;
• Any subject and officer injury or complaint of injury, medical treatment received, or refusal of medical treatment;
• Photographs of subject and officer injuries;
• Video and audio recordings made of the incident, including those made by body-worn cameras.

C. Supervisory Responsibilities

1. An officer’s immediate supervisor shall respond to any incident of use of force on a priority basis. In any instance of use of force, the supervisor shall ensure the following are completed:
   a. The officer’s and subject’s statements of actions are taken, and injuries sustained and medical treatment needed or desired are documented.
   b. Witnesses are identified and interviewed, as appropriate.
   c. The scene of the incident is documented, as necessary.
   d. Health care providers are interviewed concerning the injuries sustained and their consistency with reported uses of force.
   e. A supervisor’s use-of-force report is completed.

2. The immediate supervisor shall notify the appropriate authority via the chain of command in cases involving injury or complaint of injury, hospitalization, or death of a person resulting or allegedly resulting from an officer’s use of force.¹

D. Force Analysis and Assessment

1. This agency’s internal affairs or other appropriate investigative authority shall review all use-of-force reports. Where further documentation or investigation is warranted, appropriate personnel shall be notified by investigators.

2. All uses of force that result in injury, serious bodily injury, or death to a subject or officer will be reviewed by the chief executive or their designee for purposes of identifying any violations of and deficiencies in agency policy, procedures, rules, training, or equipment or any aspects of organizational culture that may have bearing on the force used.

E. Force Reporting

1. Following a use-of-force incident in which a subject has died or received serious bodily injury, information shall be provided to the public in a timely manner on the results of an internal investigation or investigation conducted by another authorized agency.

2. An annual summary of all use-of-force incidents shall be prepared by this agency and made publicly available, providing basic details of force incidents and the findings of internal or external investigations or reviews.

3. Agencies shall also submit all relevant statistical data related to incidents that result in the death or serious bodily injury of a person, as well as when an officer discharges a firearm at or in the direction of a person, to the Federal Bureau of Investigation (FBI) National Use-of-Force Data Collection reporting portal.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered and should therefore consult their legal advisor before implementing any policy.

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I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the Model Policy on Reporting Use of Force established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation for greater understanding of the developmental philosophy and implementation requirements of the model policy. It is anticipated that this material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Law enforcement use of force is a matter of the highest concern among law enforcement administrators and officers. To meet the many questions that arise internally and externally around this issue, there must be systematic reporting of use of force by law enforcement officers.

Both the mission of law enforcement and the circumstances that law enforcement officers encounter in their patrol and related duties make it inevitable that, from time to time, force will have to be used. However, as any law enforcement officer or executive knows, when force is used, questions arise as to whether the use of force was necessary, or, if it was necessary, whether the degree of force used was appropriate.

In recent years, a number of well-publicized incidents occurred in which the use of force by law enforcement was scrutinized. Some of these incidents created public outcry and generated severe criticism of law enforcement, not only by the public and the news media, but also by the courts that have been called upon to address these cases. In some cases, these incidents have come under investigation by the Civil Rights Division of the U.S. Department of Justice under provisions of 42 U.S.C. §14141 where a pattern or practice of unconstitutional conduct has been identified or is suspected. Many of these investigations involve use of force and force reporting issues. These investigations can, and have, resulted in consent decrees that can enforce considerable agency changes, extend for years, and cost local governments millions of dollars. In addition, in May 2015, calls for reforms reached the highest levels of government and resulted in a report by the President’s Commission on 21st Century Policing.

For these and other reasons, it is essential that every law enforcement agency ensure and be able to document that its officers employ only the force that is objectively reasonable to effectively bring an incident under control and only the level of force that a reasonably prudent officer would use under the same or similar circumstances.²

While law enforcement executives may encounter initial resistance in response to increased use-of-force reporting requirements, it must be stressed that the information collected can be used for a variety of purposes, not the least of which is to protect officers. For example, agencies are in a much better position to defend themselves against charges of excessive force if they can document the types of situations in which their officers have used force. By combining a strong policy on use-of-force compliance with officer training, supervision, and discipline in this area, law enforcement agencies can better apply internal controls and more readily defuse charges that can tarnish officer and agency credibility within the community.

C. Federal Use-of-Force Data Collection Efforts

In response to the lack of reliable, nationwide data on law enforcement use of force, the Federal Bureau of Investigation (FBI) formed a task force to address this dearth of data. As a result of the work of this task force, the FBI has created the National Use-of-Force Data Collection reporting portal to provide a standardized means for the voluntary submission of data related to law enforcement use of force. However, only information related to uses of force that result in death or serious bodily injury³ and discharges of a firearm at or in the direction of an individual are collected in the portal.

While the information collected in the FBI portal is crucial for a better understanding of trends regarding serious uses of force, for internal purposes such as early identification systems and liability assessments, agencies should also collect data on incidents beyond those included in the portal.

II. POLICY RECOMMENDATIONS

Because of the foregoing reasons and the adverse consequences that a failure to control agency use of force might entail, positive steps must be taken by each law enforcement agency to ensure that use of force is strictly monitored. In addition to the reporting requirements that are the focus of this document, a comprehensive approach may be divided into five categories:

- **Policies.** The agency must establish policies that effectively govern use of force and reporting use-of-force incidents.
- **Training.** The agency must train its officers to ensure that they all understand the policies’ provisions and adhere to them.
- **Monitoring.** The agency must monitor use-of-force policy compliance by effective first-line supervision and by establishing and maintaining a system of reporting of all use-of-force incidents.
- **Sanctions.** The agency must be prepared to take prompt, effective action against officers who employ excessive force in violation of the agency’s policies.
- **Public Disclosure.** The agency should issue reports on use of force in a summary manner that are available to the public. It has been demonstrated that transparency enhances public trust and demonstrates that an agency adheres to constitutional policing.

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³ Serious bodily injuries are defined by the FBI based on 18 U.S.C. 2246 (4) as those involving a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
A. Policy

Every agency must establish a written policy setting forth the guidelines for the use of force. Such policies should be carefully drafted to ensure that they specifically and clearly define agency requirements—yet provide enough flexibility to deal with the infinite variety of situations that officers may face in the field. The policy must not impose requirements that cannot or will not be observed by officers in use-of-force situations.4

As noted, agency policies should not only address the use of force but should also require the reporting of incidents in which force is used. Without this stipulation, the agency will be unable to determine whether the use-of-force policy is being followed, the number of incidents that occur, the types of force employed, or the circumstances surrounding those incidents. The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the law enforcement agency. As such, it should be the policy of law enforcement agencies that uses of force, as designated by the agency, be reported in a timely, complete, and accurate manner by involved officers and those who witnessed the use of force.

The agency must define the instances in which reporting use of force is required. The policy should ideally cover, with a few specific exceptions, the reporting of any use of force occurring while an officer is acting in their official law enforcement capacity, whether on- or off-duty, in uniform, in plainclothes, or on undercover assignment. Uses of force should include, but need not necessarily be limited to the following:

- **Physical Force**: Use of any part of the officer’s body, such as open-handed strikes, punches, or kicks, and the use of law enforcement horses or canines.
- **Chemical Force**: Use of any chemical irritant such as o-chlorobenzylidene malononitrile (CS) or oleoresin capsicum (OC) aerosol or foam spray.
- **Impact Force**: Use of any issued impact weapon (e.g., nightstick, baton, flashlight, bean bag round, or similar impact projectile) or other object.
- **Electronic Force**: Use of any electronic control device.
- **Firearms Force**: The displaying of a firearm for purposes of compelling compliance, to include pointing the weapon at an individual or discharging a firearm.
- **Vehicular Force**: The deliberate use of a vehicle in such a way that could reasonably cause bodily injury. This use of force may include ramming a subject’s vehicle during a vehicular pursuit or use of the precision immobilization technique (PIT) maneuver or roadblocks to stop a fleeing subject’s vehicle.

For the purposes of this document, use of force should not include the application of handcuffs or similar restraints; the physical removal of passively resisting demonstrators; the mere presence of officers, horses, or canines; or the issuance of verbal commands. In addition to the recommendations included in the model policy, some agencies may elect to include anytime an officer draws a firearm outside of training to provide for self-protection, whether or not the weapon is pointed at an individual.

B. Actions Following the Use of Force

Following a use of force, the officer who employed the force should immediately verbally notify their supervisor. Notification should also be made by any officer who witnessed the use-of-force incident. These reports should be made without delay so that the time, place, nature of the force used, and the circumstances surrounding the use of force become a matter of record. Immediate establishment of the facts protects both the officers and the agency from later charges arising from the incident. Also, corroboration of the account of the officer who employed the force by other officers who witnessed the incident serves to verify the individual officers’ reports.

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4 See ASCIA, CALEA, FOP, FLEOA, IACP, HAPCOA, IADLEST, NAPO, NAWLEE, NOBLE, and NTOA, *National Consensus Policy on Use of Force*. 
The notifications described above should be followed up with a written report of the incident as soon as possible, but no later than the end of shift. Note that the officer who employs the force and any officers who witnessed the incident should file separate reports. In some agencies, the supervisor will collect the information provided in the initial notifications and then combine it into one written report. Whichever method is selected, it is important that the report be as comprehensive and accurate as possible.

The written report should conform to the previously reported facts, or, if there is a discrepancy, this discrepancy and the reasons for it should be clearly stated in the written report. This will substantiate the original notifications of the incident and minimize the possibility of contention by a civil plaintiff or criminal defendant. All reports should be comprehensive and provide the level of specificity necessary to fully document the force response. The reports should be an accurate account of what the officer knew, observed, or believed at the time of the incident. Any information that is revealed following the incident should not be included in the initial report but should instead be noted in a supplemental report. The reasoning behind this is that the legal basis for determining whether the use of force is justified is based on what the officer believed to be true at the time of the incident, rather than in hindsight.5

The following is a list of the types of information that should be captured in use-of-force reports; however, this list is not meant to be an exhaustive index of potentially pertinent information. The list ensures that agencies collect, at a minimum, the data necessary to meet the FBI reporting portal requirements related to uses of force.

- The nature of the incident;
- Where (address or latitude and longitude) and when (date and time) the incident took place;
- Location type of the incident (using location codes from NIBRS);
- Whether the incident was in response to a call for service or an officer-initiated action;
- Information on the subject, including age, sex, race, and ethnicity;
- Information on the officer including age, sex, race, ethnicity, years of service, and whether serving full-time;
- The size and build of the subject in relationship to the officer;
- Reason for initial contact between the subject and officer, including any suspected unlawful or criminal activity;
- Whether the incident was an ambush;
- Whether the officer was:
  - Readily identifiable as law enforcement, including whether he or she was in uniform or plain clothes;
  - operating a marked or unmarked law enforcement vehicle or on foot patrol;
  - on or off duty; and
  - accompanied by other officers
- Whether a supervisor or a senior officer acting in a supervisory capacity was present or consulted at any point during the incident;
- Whether backup was requested and, if so, when it arrived;
- Whether the officer approached the subject or was approached by the subject;
- Whether associates of the subject were present at the time;
- Whether witnesses were present at the time;
- Whether there was any cause to believe the subject was armed or hostile;
- The subject’s general demeanor including any known or apparent impairments;

5 See Graham v. Connor, 490 U.S. 386 (1989) – “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”
• Any verbal exchange that transpired;
• The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by the officer(s);
• Any threat to the officer or another person;
• Type, intensity, and duration of resistance to arrest by the subject, to include any threat to others;
• Any de-escalation attempts made;
• Any force options available to the officer and the reason for the level of force response employed;
• Any subject and officer injury or complaint of injury, medical treatment received, or refusal of medical treatment;
• Photographs of subject and officer injuries;
• Video and audio recordings made of the incident, including those made by body-worn cameras.

C. Supervisory Responsibilities

It is essential that first-line supervisory officers ensure that agency policies and procedures are followed. Failure to fulfill supervisory responsibilities in connection with a use-of-force incident may result in civil liability for the supervisor, as well as for the agency and the involved officers.

When a notification concerning use of force is received, the officer’s immediate supervisor should respond to the scene on a priority basis. The supervisor should then undertake, at a minimum, the following duties:

• Document both the officer’s and the subject’s statements regarding the event. This should include statements regarding the actions taken, injuries sustained, and medical treatment needed or desired.
• Identify and interview witnesses. Even when the officers on the scene have interviewed a witness, the supervisor should conduct a corroborative interview and resolve any conflicts between the witness’s statements and the account of the officer.
• Ensure that details of the scene of the incident are documented as necessary for future reference, to include photographing and/or videotaping of the scene.
• Ensure that medical attention for anyone at the scene has been obtained if required or requested. If a health care provider conducts an examination, he or she should be interviewed regarding the injuries, if any were sustained during the incident. The health care provider’s view of the consistency of the injuries with the reported use of force should also be obtained.
• Complete a supervisor’s use-of-force report.

In addition to the above, the supervisor should notify the appropriate agency investigative authority, through the chain of command, whenever there are injuries or complaints of injury, hospitalization, or death to a person or officer resulting from a use of force.6

D. Force Analysis and Assessment

The agency’s internal affairs or other appropriate investigative authority should review all use-of-force reports. Further investigations should be conducted in cases where there are inconsistencies in reports by officers, supervisors, or witnesses; in instances of irregularities in reports; or in other cases deemed necessary.

All uses of force that result in injury, serious bodily injury, or death to a subject or officer should be reviewed by the agency chief executive or their designee in order to identify any deficiencies in agency policy, procedures, rules,

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6 Incidents in which a use of force results in death or serious bodily injury to a subject or an officer require that reporting and investigations be conducted in a systematic manner. For information on responses to these incidents, see IACP Model Policy and Concepts and Issues Paper on Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force.
training, supervision, equipment, or any aspects of organizational culture that may have a negative impact on officer use of force. In any use-of-force incident in which a subject has died or received serious bodily injury, information should be provided to the public in a timely manner on the results of an internal investigation or an investigation conducted by another authorized law enforcement agency.

An analysis of use-of-force reports should be conducted by the internal investigation authority or another entity designated by the agency chief executive on a regular basis. In addition to this analysis, an annual summary of all use-of-force incidents should be prepared and provided to the public. This summary should include basic details of force incidents and the findings of any internal or external investigations or reviews. The summary should strive to enhance the transparency of use-of-force incidents and the investigation of these incidents by the agency, while balancing the need for confidentiality in accordance with applicable laws.

In addition to internal reporting requirements, agencies should report all relevant statistical data related to serious uses of force, as previously defined, to the FBI National Use-of-Force Data Collection reporting portal. While this reporting requirement is voluntary, it is crucial to provide reliable nationwide data on the overall frequency and outcomes of law enforcement use of force—data that are currently unavailable.

III. CONCLUSION

Because of the many concerns related to the use of force by law enforcement, both professionalism and the protection of officers require that use of force by officers be documented and monitored. Good reporting procedures that are well drafted and properly enforced represent the best defense that an agency can have against allegations of excessive force or brutality, either in individual incidents or as a matter of general agency behavior. Failure of an agency to respond to allegations of these types because of a deficiency in the collection of essential information on the subject risks not only the professional careers of its officers but the agency’s overall credibility within the community. Through analysis of the data obtained, agencies can better determine if their policies and training are adequate and be better suited to make adjustments where necessary in a nimble, efficient manner. In addition, the information gathered through use-of-force reports and subsequently shared with the public increases transparency, in turn fostering public trust.
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The accurate and timely reporting of use of force by law enforcement officers is critical to maintain accountability and safeguard the rights of the public. Through standardized, systematic reporting of all uses of force, agencies can ensure that their officers are using force only in those situations where it is authorized and only to the degree necessary.

- Law enforcement officers shall use only the force that is objectively reasonable to effectively bring an incident under control and shall only use the level of force that a reasonably prudent officer would use under the same or similar circumstances.
- Every use of force, as defined by agency policy, should be documented through an official, written use-of-force report.
- Information gained from use-of-force reports can be used for a variety of purposes to include determining whether the use-of-force policy is being followed, the number of incidents, the types of force employed, or the circumstances surrounding those incidents, as well as protection of officers from complaints of excessive use of force.
- In addition to internal reporting requirements, agencies should also participate in the FBI’s National Use-of-Force Data Collection reporting portal, which focuses on uses of force that result in death or serious bodily injury and discharges of a firearm at or in the direction of an individual.
- For internal purposes, agencies should collect data on uses of force beyond those defined by the FBI, to include but not limited to physical, chemical, impact, electronic, firearms, and vehicular force, whether or not they resulted in serious bodily injury or death.
- To ensure the incident is fully documented, each officer who uses force or witnesses an incident involving force should submit a separate written use-of-force report by the end of the shift.
- For legal purposes, use-of-force reports should be comprehensive and address only what the officer knew, observed, or believed at the time of the incident. Any facts or information obtained after the incident should not be included in the initial use-of-force report but should instead be documented in a supplemental report.
- An analysis of all use-of-force reports should be conducted on a regular basis. Changes to policy, training, supervision, or any combination thereof should be undertaken to address any concerns or deficiencies highlighted by this analysis.
- In an effort to enhance transparency and promote public trust, at a minimum, an annual summary of all use-of-force incidents should be provided to the public and include basic details of force incidents and the findings of internal or external investigations or reviews.