



# Indianapolis Metropolitan Police Department

GENERAL ORDER

1.31

## USE OF FORCE – INVESTIGATION, REPORTING, AND REVIEW

### POLICY

The Indianapolis Metropolitan Police Department (IMPD) is committed to objectively investigating, evaluating, and reviewing force used by IMPD officers to ensure accountability, maintain transparency, and identify areas of improvement. Officers will thoroughly document and describe all reportable uses of force as established in this directive. Supervisors will conduct thorough investigations of reportable less-lethal use of force incidents and document their findings. The chain of command is responsible for reviewing and providing findings for each use of force incident directed to them. Deadly force incidents will be investigated by Internal Affairs and the appropriate criminal investigation unit (e.g., Critical Incident Response Team). The Use of Force Review Board will conduct reviews and hearings as described in this general order.

### PROCEDURE

#### I. Less-Lethal Use of Force

A. Officers of any rank will notify a supervisor via the Communications Center, as soon as practical, following a less-lethal use of force incident, when:

1. Physical force is used, including:

- a. Takedowns,
- b. Strikes or pushes (fist, palm, knee, etc.),
- c. Joint or pressure manipulation techniques, and
- d. Body weight leverage techniques.

2. A less-lethal device or improvised weapon is used;

3. Any less-lethal use of force causing, or alleged to have caused, injury or complaint of pain;

4. A firearm is pointed at a person; or

5. Any other less-lethal use of force a supervisor determines should be documented.

B. An officer who uses less-lethal force will document the incident when it meets any of the above criteria.

1. Each officer using less-lethal force will complete a separate Use of Force Blue Team entry and ensure any other required incident reports are completed.

a. The Blue Team entry must include the following regarding each less-lethal use of force:

- i. A description of each use of force;
- ii. The effectiveness of each use of force;
- iii. A description of the events leading to the use of force;
- iii. A description of injuries resulting from the use of force to involved citizens or officers;
- iv. A diagram documenting each use of force; and
- v. A diagram of any injuries resulting from the use of force.



- b. The Blue Team entry must be completed and forwarded to the investigating supervisor prior to the end of the officer’s shift or at the beginning of their next shift.
    - i. The Blue Team entry must be completed and forwarded prior to an officer going on Regular Days Off (RDOs) or other leave.
    - ii. Overtime may be used to complete the Blue Team entry only with prior authorization from a supervisor.
  - c. If a Blue Team report is returned to an officer for corrections, the officer must make the applicable corrections and forward the Blue Team prior to the end of the next working day after they received the Blue Team.
2. Officers will ensure photos are taken of all alleged injuries, whether visible or not.
3. When an incident involves the use of less-lethal force by multiple officers, each officer who used force must complete their own individual Blue Team.
- C. A supervisor will respond to the scene and conduct an investigation when a use of force meets the criteria in Section I.A. The responding supervisor does not need to be of a higher rank than the involved officers.
1. The supervisor’s investigation must include:
- a. Interviews, or attempts to interview:
    - i. Involved officers;
    - ii. Involved citizens; and
    - iii. Any witnesses.
  - b. The collection and review of any evidence (e.g., video footage, body-worn or dash camera video, still images, audio recordings, etc.) relevant to the use of force.
2. After receiving the Blue Team entry from the involved officer, the supervisor will:
- a. Review the Blue Team for accuracy;
  - b. Ensure all required documentation is included;
  - c. Thoroughly document their investigation of the incident;
  - d. Provide a finding of “In Compliance” or “Not in Compliance” regarding the uses of force;
  - e. Provide a finding of “Within Policy” or “Not Within Policy” regarding secondary policy violations that could have impacted the incident;
  - f. Explain the reasoning behind their findings;
  - g. Recommend any further actions to be taken; and
  - h. Forward the Blue Team back to the officer for corrections or up the chain of command within three days of receipt.



- D. The involved officer’s chain of command will review each use of force Blue Team.
  - 1. After receiving the Blue Team report, each supervisor in the involved officer’s chain of command will:
    - a. Thoroughly review the Blue Team for accuracy and compliance;
    - b. Provide a finding of “In Compliance” or “Not in Compliance” regarding the uses of force;
    - c. Provide a finding of “Within Policy” or “Not Within Policy” regarding secondary policy violations that could have impacted the incident;
    - d. Explain the reasoning behind their findings;
    - e. Recommend any further actions to be taken; and
    - f. Forward the Blue Team back down the chain of command for corrections or up the chain of command within three working days of receipt.
  - 2. If a supervisor in the chain of command will be absent for a period of time that will significantly delay the processing of a Blue Team, they should be skipped in the routing process.
  - 3. The final reviewing captain or commander will forward the Blue Team to IAPro within three working days of receipt.

**II. Deadly Force**

- A. Officers of any rank will immediately notify the Communications Center and request a supervisor when they have used or attempted to use deadly force.
  - 1. Deadly force is any force that creates a substantial risk of death or serious bodily injury.
  - 2. Serious bodily injury is any injury that creates a substantial risk of serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a fetus.
- B. On-scene officers and officers responding to a deadly force incident will:
  - 1. Render the scene safe;
  - 2. Provide and request emergency medical aid;
  - 3. Notify the Communications Center of:
    - a. The location of the incident;
    - b. Conditions of all involved persons and officers;
    - c. Any information on outstanding suspects or vehicles; and
    - d. Any additional required personnel or assistance.
  - 4. Identify and separate all witnesses and anyone with relevant knowledge of the incident;
  - 5. Preserve the scene for evidence collection, including setting up inner and outer perimeters and crime scene tape; and



6. Establish and broadcast safe routes for entry and exit of the scene.

C. Supervisors responding to a deadly force incident will:

1. Establish incident command as required by General Order 1.9 – *Incident Command*;
2. Assume initial investigative control of the scene;
3. Evaluate and reconfigure perimeters and control points as necessary;
4. Request specialty units as required, including: Police Officer Support Team (POST), Public Information Officers (PIO), Fraternal Order of Police (FOP), and Police Chaplains;
5. Confirm Critical Incident Response Team (CIRT) and Internal Affairs have been notified;
6. Make appropriate chain of command notifications;
7. Assign an officer to maintain a Critical Incident Log documenting persons entering and leaving the perimeter;
  - a. Entry into the inner perimeter should be authorized by the lead CIRT investigator, except those involved in processing the scene.
  - b. The time of entry should be noted in the log.
  - c. Officers who are related to or in a domestic relationship with an involved officer are not permitted to enter the perimeter of the incident or assist with the use of force investigation, unless directed to by a CIRT detective.
8. Ensure involved officers are separated from witness officers;
9. Obtain a public safety statement (if necessary);
  - a. A “public safety statement” is a statement made to a supervisor by an officer involved in a deadly force incident, for public safety purposes, immediately following the incident, that should include:
    - i. Known injuries;
    - ii. Outstanding suspect information (e.g., known weapons, direction of travel, etc.);
    - iii. Boundaries of the incident scene;
    - iv. Location of any witnesses; and
    - v. Direction of any shots fired.
  - b. The supervisor should first attempt to obtain a public safety statement from a witness officer who did not use deadly force;
  - c. If there are no witness officers, the supervisor should attempt to obtain a voluntary public safety statement from an involved officer; and
  - d. If necessary, the supervisor may administratively order an officer to immediately provide a public safety statement.



10. Order involved officers to not discuss the incident with each other until authorized by the chain of command, CIRT, or Internal Affairs; and
  11. Prepare to brief responding investigators upon their arrival.
- D. The involved officer(s) (i.e., officer(s) who used deadly force) will:
1. Preserve the integrity of any physical evidence on their equipment or clothing, including blood or fingerprints, until detectives can have the items photographed and properly retrieved.
    - a. Replacement clothing will be arranged by CIRT or an assisting officer.
    - b. CIRT will issue a temporary replacement firearm at the same time an involved officer's firearm is taken for evidentiary purposes.
      - i. A Firearms Training Section supervisor will arrange for the involved officer to exchange the temporary replacement firearm for a permanent-issued firearm.
      - ii. The involved officer must complete a qualification course with the permanent-issued firearm as soon as possible.
  2. Remain available for debriefings, interviews, medical consultations, and any other required administrative details while on administrative leave; and
  3. Provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of any suspects, as requested by the investigating or prosecuting entity.
- E. The department will make reasonable accommodations for the officer's physical and emotional needs.
1. A mental health professional will be provided to each involved officer. A mental health professional will be provided to any other affected officers, upon request.
    - a. Interviews with a licensed mental health professional are considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
    - b. Involved officers will not be permitted to meet in a group with a licensed mental health professional prior to providing a formal interview or report with CIRT and Internal Affairs detectives. However, involved officers may meet with a mental health professional individually in these instances.
  2. Involved officers will be given paid administrative leave as determined by the Chief of Police or designee following a deadly force incident.
    - a. The district commander or designee will authorize schedule adjustments to accommodate such leave.
    - b. Supervisors are required to complete the appropriate duty modification form in the IMPD Admin. application.
- F. Employees on the scene of a deadly or less-lethal use of force incident must maintain a professional demeanor.
1. Employees must refrain from making any unnecessary comments or gestures that could be reasonably perceived as insensitive, rude, or otherwise inappropriate.



2. Employees must be aware that their actions and comments may be observed, overheard, and/or recorded.

### **III. Deadly Force Investigations**

#### **A. Deadly force incidents involve two separate investigations:**

1. A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. IMPD may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or designee; and
2. An administrative investigation conducted by the involved officer's agency to determine adherence to their respective department policy.

#### **B. Criminal investigation**

1. CIRT will investigate all deadly force incidents and officer-involved firearms discharges resulting in injury or death, including attempts, when:
  - a. The incident occurs within IMPD's jurisdiction and involves an IMPD officer (unless the investigation is relinquished by the Chief of Police);
  - b. The incident occurs within IMPD's jurisdiction and involves an outside agency's officer (unless the investigation is relinquished by the Chief of Police); or
  - c. The incident occurs outside of IMPD's jurisdiction, involves an IMPD officer, and the outside agency relinquishes investigative control to IMPD (unless investigative control is refused by the Chief of Police).
2. Once notified of a deadly force incident, CIRT personnel will investigate the incident and all related crimes.
3. Uninvolved witnessing officers will provide a statement to CIRT detective(s).
4. CIRT detectives will request to interview involved officers. In order to provide the involved officers with an opportunity to give a voluntary statement, the following procedures will be adhered to:
  - a. Field supervisors and Internal Affairs Section personnel will not participate directly in any voluntary interview of officers; however, they may monitor an interview through audio/video equipment without being physically present in the interview.
  - b. If requested, any involved officer will be afforded the opportunity to consult individually with a representative of their choosing or an attorney, prior to speaking with CIRT detectives. However, in order to maintain the integrity of each individual officer's statement, involved officers will not consult or meet with each other collectively or in groups, prior to being interviewed.
  - c. Any voluntary statement provided by an officer will be made available for inclusion in the administrative investigation.
5. CIRT detectives will make the final decision regarding incident reports to be completed by uninvolved officers.
6. CIRT detectives will forward all completed reports through their chain of command to the Chief of Police.



7. After review, the criminal investigation reports will be included with all other reports associated with the investigation and transferred to the Chief's designee for compilation and presentation to the Use of Force Review Board.

C. Administrative Investigations

1. Internal Affairs will investigate all deadly force incidents, officer-involved firearms discharges resulting in injury or death, and intentional officer-involved firearms discharges at a person or vehicle, when:
  - a. The incident occurs within IMPD's jurisdiction and involves an IMPD officer (unless the investigation is relinquished by the Chief of Police); or
  - b. The incident occurs outside of IMPD's jurisdiction and involves an IMPD officer (unless the investigation is relinquished by the Chief of Police).
2. The administrative investigation is a confidential investigation to determine compliance with department policies and will parallel the criminal investigation, but will remain separate and independent.
3. Involved officers are obligated and ordered to provide a compelled statement to an Internal Affairs detective as a condition of employment. The statement must be provided within three business days after the incident, unless an extension is authorized by the Chief of Police, or designee.
  - a. The statement will be for administrative purposes only and, with the exception of perjury, cannot be used in a subsequent criminal prosecution against the officer nor can the information be disclosed to CIRT detectives.
  - b. Involved officers will be given an administrative order to provide full and truthful answers to all questions during a compelled interview with an Internal Affairs detective, after receiving and signing their Statement of Rights.
  - c. Officers will have the opportunity to contact an attorney and have the attorney present or select an uninvolved representative to be present during the interview.
  - d. Absent written consent from the involved officer or as required by law, no administratively compelled statements will be provided to criminal investigators or the prosecuting entity.
  - e. Nothing in this General Order prohibits involved officers from consulting with legal counsel.
4. Any officer involved in a deadly use of force or firearms discharge at a person or vehicle may be administratively compelled to provide a blood sample for alcohol/drug screening. Compelled samples and testing results will be used for administrative purposes only, unless written consent is given by the officer.
5. The Internal Affairs Branch commander will report the progress and results directly to the Chief of Police.
6. After review, the report will be compiled with all other reports involving the investigation and transferred to the Chief's designee for presentation to the Use of Force Review Board.
7. Internal Affairs investigators will complete the appropriate Blue Team entry for any deadly use of force incident or firearms discharge at a person or vehicle.
  - a. The narrative section must be completed in detail documenting the circumstances surrounding the incident.



- b. A diagram of the incident scene must be included as an attachment to the Blue Team entry.
- c. Internal Affairs investigators will also be responsible for completing any other related Blue Team entries (i.e., vehicle pursuits, etc.).

**IV. Unintentional Firearms Discharges without Injury**

- A. If an officer discharges a firearm unintentionally in a non-training environment and it does not result in the injury to a person, the involved officer will immediately notify a supervisor.
  - 1. The supervisor will respond to the scene and request Internal Affairs.
  - 2. Internal Affairs will respond to the scene, investigate the incident, and complete the required Blue Team entries.
  - 3. The involved officer will be required to complete any additional reports as determined by the Internal Affairs investigator.
  - 4. The involved officer will be required to complete additional or remedial training.
- B. If an officer discharges a firearm unintentionally in a training environment, and it does not result in the injury to a person, the involved officer will immediately notify the IMPD Training staff.
  - 1. The involved officer will be responsible for completing the Firearms Discharge Blue Team Report and any additional required reports.
    - a. The Blue Team entry must include:
      - i. A detailed narrative describing the circumstances surrounding the incident;
      - ii. A diagram of the scene; and
      - iii. Photographs of any damage.
    - b. The Blue Team entry must be forwarded up the Training Bureau’s chain of command.
  - 2. The Training Bureau will investigate the incident, review the Blue Team, and determine the appropriate findings and recommendations regarding the incident.

**V. Firearms Discharges at Animals**

- A. If an officer discharges a firearm to destroy or attempt to destroy an animal, the involved officer will immediately notify a supervisor, prepare a Firearms Discharge Blue Team entry, and complete any other required incident reports.
- B. The Blue Team entry must include:
  - 1. A detailed narrative describing the circumstances surrounding the incident;
  - 2. A diagram of the scene; and
  - 3. Photographs of any damage.
- C. The Blue Team entry must be forwarded to the investigating supervisor within 24 hours.
- D. The investigating supervisor will respond to the scene and conduct a preliminary investigation regarding the incident.



- E. The supervisor will review the officer’s Blue Team entry for accuracy and ensure the entry includes the required documentation for the involved officer.
  - 1. The supervisor will document their investigation, findings, and recommendations for further actions in the Blue Team.
  - 2. The Blue Team must be returned to the officer for corrections or forwarded to the next in the chain of command within three working days of receipt.
  - 3. Each supervisor in the chain of command routings will provide a finding and recommendations and return the Blue Team for corrections or forward the Blue Team within three working days of receipt.
  - 4. The captain or commander must return the Blue Team for corrections or forward it into IAPro within three working days of receipt.

**VI. Use of Force Review Board**

- A. IMPD will empanel a Use of Force Review Board to provide additional review of certain incidents. The purpose of this board is to provide input and recommendations to the Chief of Police from both the law enforcement and community perspectives. This board will:
  - 1. Conduct hearings and administrative reviews;
  - 2. Discuss and deliberate on the issues presented pertaining to compliance with the IMPD directives that specifically govern the use(s) of force at issue; and
  - 3. Submit its recommendations in writing to the Chief of Police to improve department policy and training, enhance oversight, and increase safety for officers and the community.
- B. The Board will conduct a mandatory hearing for any use or attempted use of deadly force against a person.
- C. The Board will conduct an administrative review for:
  - 1. The discharge of a firearm at an animal; or
  - 2. Any unintentional discharge of a firearm.
- D. The Board may conduct a full hearing, in lieu of an administrative review, if deemed appropriate by a majority of the members and approved by the Chief of Police.
- E. Any use of force an involved officer’s chain of command determines to be in violation of policy, rules, or applicable law will be forwarded to the Division Deputy Chief via Blue Team. Upon receipt of the incident, the Division Deputy Chief will recommend one of the following to the Use of Force Review Board:
  - 1. No further action;
  - 2. An administrative review; or
  - 3. A formal board hearing.
- F. A Division Deputy Chief, the Assistant Chief, or the Chief of Police may order the Use of Force Review Board to administratively review or hold a formal hearing on any use or force incident.



G. The Board will consist of nine individuals, as follows:

1. The captain of the IMPD Training Academy;
  - a. The Training Academy captain will serve as board chairperson.
  - b. The Training Academy captain will be a permanent member of the board.
2. One lieutenant appointed to the Board by the Deputy Chief of the Oversight, Audit, and Performance Division. The lieutenant will serve a term of six months as a non-permanent member, and may be replaced at any time, at the discretion of the Chief of Police;
3. One peer officer assigned to the Division of the officer(s) involved in the event.
  - a. The peer officer will be appointed by the Assistant Chief as a non-permanent member and serve for a term of six months.
  - b. The peer officer must not be assigned to the same Branch or District of the involved officer(s).
  - c. The peer officer will be replaced in future hearings if the officer(s) involved is of a different rank, assigned to a different Division, or assigned to the same Branch or District.
  - d. The new peer officer will begin a six-month term unless there is a future need to adjust for rank or Division/Branch assignments.
4. One non-permanent member appointed by the Chief of Police after nomination by majority vote of the sworn members of the department; and
5. Five civilian members, not presently or formerly employed by IMPD or any other police department. Additionally, civilian members may not have immediate family members who are presently or were formerly employed by IMPD or any other police department.
  - a. The civilian members of the board are appointed by the Chief of Police, and consist of:
    - i. Two non-permanent members appointed by the Chief of Police after nomination by the Mayor of Indianapolis; and
    - ii. Three non-permanent members appointed by the Chief of Police after nomination by the President of the Indianapolis-Marion County City-County Council.
  - b. Non-permanent civilian members will serve for a term of two years and may be reappointed at the end of the term.
  - c. Prior to appointment to the Board, civilian members must:
    - i. Successfully complete the Citizen's Police Academy or similar training approved by the Chief of Police.
    - ii. Receive instruction in the following:
      - (a) Use of Force training (which must include an introduction to the legal standards applicable to Use of Force in the law enforcement context);
      - (b) Implicit Bias Training;



- (c) IMPD General Orders, applicable Merit Laws and other laws and regulations applicable to police officers; and
  - (d) IMPD Training Curriculum.
- iii. Accompany patrol officers during field duty ride-alongs for a minimum of twenty-four hours.
- d. After appointment to the Use of Force Review Board, civilian members must:
- i. Complete sixteen hours of field duty ride-alongs during each year of service on the board; and
  - ii. Complete sixteen hours of continuing education on Use of Force, and related topics as determined by the Chief of Police, during each year of service on the board.
  - iii. All training, certifications, and continuing education provided to the board members must be documented and maintained by IMPD. This documentation must be made available for inspection.
- e. Any Board member will be removed upon recommendation by the nominating authority and with approval of the Chief of Police, if the Board member fails to adhere to their duties, responsibilities, and obligations.
- f. No person with a felony conviction may serve on the board as a civilian member. If a civilian member becomes ineligible to serve on the board due to a felony conviction, the member shall be considered to have resigned from the board, and the member's nominating authority shall nominate a successor within thirty (30) days. This prohibition includes a felony conviction for a crime resulting in bodily injury that has been reduced to a misdemeanor. However, it does not include a conviction that has been vacated, reversed, set aside, expunged, or sealed.
- g. All members of the Board, including civilian appointees, have full authority to participate in all aspects of an administrative review or hearing, including but not limited to:
- i. Reviewing all reports, statements, videos, photographs, and recordings;
  - ii. Questioning of all witnesses;
  - iii. Discussion and deliberation; and
  - iii. Submission of recommendations.
- H. All hearings will be audio-recorded and typed transcripts will be prepared at the request of the Chief of Police or the officer(s) under review.
- I. The Board does not have the authority to recommend discipline. It will make an advisory recommendation, by simple majority vote, to the Chief of Police, which will be limited to:
- 1. In Compliance: The officer's actions were within policy, or
  - 2. Not in Compliance: The officer's actions were in violation of department policy.
- J. Each member will provide to the Chief of Police a separate statement explaining the reasons for his or her vote.
- K. The Board will forward the completed case and its recommendation to the Chief of Police for disposition.



- L. Administrative reviews and hearings conducted by the Board are confidential. Information and evidence received in the course of an administrative review or hearing may only be used to determine whether the officer's actions were in compliance with the IMPD directives that specifically govern the use(s) of force at issue, and may not be publicly disclosed under any circumstances, except as required by law. Board members who violate this provision will be subject to removal from the Board.
- M. All testimony and narrative statements by the officer whose use of force is under review by the Board will be deemed ordered and compelled.
- N. The Chief of Police will review the recommendation of the Board, and determine, in accordance with the applicable merit laws and the Rules and Regulations, the appropriate level of discipline to impose, if any. The Chief of Police may refer the matter to the Disciplinary Board of Captains for recommendations regarding discipline.

**VII. Annual Analysis**

- A. The department will maintain records for use of force incidents involving:
  - 1. Discharges of firearms;
  - 2. Force applied resulting in, or alleged to have resulted in, serious bodily injury, injury, or complaint of pain of another person; or
  - 3. Any force through the use of deadly or less-lethal weapons.
- B. Records for use of force incidents will be maintained by the Oversight, Audit, and Performance Division.
- C. The Oversight, Audit, and Performance Division will be responsible for conducting a documented annual analysis of the above reports by reviewing the incidents in an effort to reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.
- D. The resulting report from the annual analysis will be forwarded to the Training Division commander or designee and the Oversight, Audit, and Performance Division for evaluation and implementation.