



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. General
- IV. Definitions
- V. Policy
- VI. Reporting
- VII. Reporting Requirements
- VIII. Responsibilities
- IX. Guidelines for Administrative Reports
- X. Effective Date

I. DIRECTIVE

It is the policy of the BCSPF that officers will use only the force that is objectively reasonable based upon the facts and circumstances to accomplish lawful objectives.

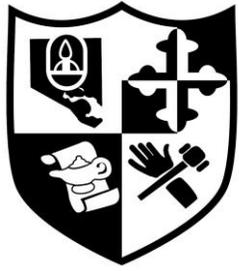
II. PURPOSE

The purpose of this General Order is to provide members with guidelines on the use of deadly and non-deadly force grounded in the case law, the United States Constitution, the State of Maryland's Declaration of Rights, the laws of the State of Maryland and provisions of this General Order.

This General Order is developed with consideration for the safety of police officers, citizens, and community as a whole. The need to use force, whether deadly or non-deadly, is a critical decision that a police officer may encounter.

III. GENERAL

- A. The Department recognizes that it has a responsibility to establish protocols and procedures relating to the application of force by its officers to ensure that force is used in conformance with existing professional standards and as permitted by law. Additionally, the department must establish protocols for documenting use of



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

force by its members and that there is a complete and objective supervisory and command review of use of force incident(s) to ensure compliance with existing departmental general orders, policies, and procedures.

- B. Officers shall only use reasonable force that is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm or death, and/or to accomplish a lawful objective. The decision to exercise force is discretionary based upon the facts and circumstances that the officer reasonably believes to exist at the time force is applied. In determining the appropriate level of force to be used by an officer, the nature of the threat or resistance faced or perceived by the officer as compared to the force employed should be considered. Factors to be considered in assessing the level of force to be used include, but are not limited to the following:
1. The severity of the crime at issue,
 2. Whether the subject poses an imminent threat to the safety of the officers or others,
 3. Whether the subject is actively resisting arrest, or the subject is attempting to evade arrest by flight.
- C. An officer may utilize appropriate and necessary force to respond to a variety of situations during the performance of their duties. An officer may encounter situations that require not only the officer's presence, but some form of verbal or non-verbal communication. This communication may take the form of providing information, giving verbal commands, physical gestures, or directions, asking or answering questions, conducting interviews, etc. It may also take the form of issuing specific instructions to individuals or groups, dealing with arguments, verbal assaults, or threats, handling disputes, disagreements, etc.
- D. A person need not strike or attempt to strike an officer to be considered a physical threat as long as an officer has an objectively reasonable belief that the person is physically threatening and has the present ability to harm the officer or another person. Officers are not obligated to retreat when confronted with a threat. The department relies on the officer's judgement and discretion to employ objectively reasonable force under each unique circumstance.



BALTIMORE CITY

PUBLIC SCHOOLS

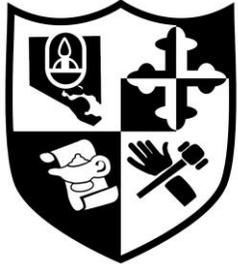
GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

IV. DEFINITIONS

- A. Active Aggression:** A subject's attempt to attack or an actual attack on an officer or another person. Exhibiting aggressive behavior (e.g., lunging toward the officer, taking a fighting stance, striking the officer with hands, fists, kicks) are examples of Active Aggression.
- B. Active Resistance:** Occurs when a subject takes action and/or uses evasive movements that attempt to physically counteract or defeat a police officer's attempt to detain a subject or place them in custody and take control, and which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Examples include, but are not limited to, pulling away from the officer, breaking officer's grip and/or control, or fleeing arrest.
- C. Appropriate Force:** The amount of force that is objectively reasonably based upon the facts and circumstances that the officer is presented with at the time force is employed. Appropriate Force must be commensurate with the actual or potential threat posed based upon the articulable facts of a given situation, in keeping with the policies and procedures of the department, and recognized by the courts as objectively reasonable.
- D. Deadly Force:** Any physical force, by its application, which has a substantial risk that may result in death or serious physical injury. Commonly, this involved the discharge of a firearm, but deadly force also includes the used of unarmed techniques or less lethal weapons (e.g. asp batons) in a manner, which is intended, or could cause, death or substantial risk of death or serious physical injury.
- E. De-Escalation:** Strategies and techniques used by officers to reduce potential conflict among officers and citizens arising out of contacts between the same.
1. Pre-Incident: Taking action or communicating during a potential use of physical force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat faced by the officer so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. Example of pre-incident de-escalation actions include, but are not limited to: tactical use of cover, use of tactical verbal communication strategies, etc.
 2. Post-Incident: Taking action to communicate and stabilize a situation after



BALTIMORE CITY

PUBLIC SCHOOLS

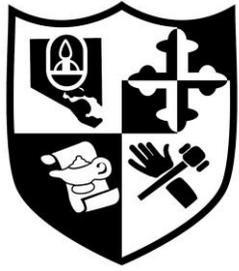
GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

a use of physical force. Examples of post-incident de-escalation actions include, but are not limited to: placing the person on which force was used into a recovery position, maintain an open airway, establishing a professional rapport, application of immediate life-saving first aid techniques when it is safe to do so, immediately summon emergency medical personnel (if necessary), etc.

- F. **Force Transition:** The movement from the application of one force type to another consistent with the “objectively reasonable” standard. Force transition can be immediate and/or within seconds. It is not necessary for an officer to employ force in the order that it is articulated on the use of force continuum.
- G. **Imminent Danger:** Actions or outcomes that may occur during an encounter which places an officer in immediate fear for their safety or the safety of others. The period of time which is considered imminent and/or immediate may change as the circumstances and facts evident in each situation change.
- H. **Less than deadly/lethal force-** Physical force which is generally not intended or reasonably likely to result in death or serious physical injury. Such force includes but is not limited to officer presence, verbal commands, hands on, etc.
- I. **Mechanical Force:** The use of a device or object, other than a firearm, to overcome a subject’s resistance to the exertion of an officer’s authority (e.g., use of a baton, or chemical agent).
- J. **Necessary:** Means that something is essential. In evaluating the necessity to use force, two (2) factors should be considered:
 - a. The potential danger to the officers or others presented by a subject.
 - b. The absence of safe alternatives to accomplish a lawful purpose.
- K. **Objectively Reasonable Force:** The level of force which is appropriate when analyzed from the perspective of a reasonable officer on the scene possessing the same information and faced with the same circumstances as the officer who actually utilized the force. The objective reasonableness of a particular use of force is not analyzed with hindsight, but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense,



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

uncertain, unpredictable, and rapidly evolving situations.

- L. **Passive Resistance:** A refusal by a known unarmed person to comply with an officer's verbal command or physical control techniques by non-violent actions. Examples include, but are not limited to, ignoring verbal instructions by failing to respond or move, linking arms, or going limp.
- M. **Physical Force:** Is the exertion or use of any physical object or body part against an individual with the intent of compelling a physical response or constraining (stopping) some action.
- N. **Probable Cause:** More than mere suspicion. It is the reasonable belief based upon a police officer's education, training, and information (provided to or known to an officer at the time of the incident) that would cause a reasonable officer to conclude that the point at issue is probably true.
- O. **Proportional Force:** The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.
- P. **Reasonable Belief:** A belief that would cause an ordinary and prudent person to act or think in a similar way. The reasonableness of a belief or decision, however, must be viewed from the perspective of a reasonable officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving.
- Q. **Reasonable Force:** Force that is objectively reasonable and necessary under the circumstances to effect an arrest or protect the officer or other person(s).
- R. **Reportable Force:** A use of physical force by a school police officer which requires notification to a supervisor and other action consistent with this General Order.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

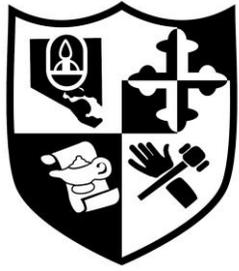
- S. **Scene:** The location(s) where force was utilized during an event.
- T. **Serious Physical Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in the long-term loss or impairment of any bodily member or organ.
- U. **Totality of Circumstances:** Circumstances that would lead an objectively reasonable officer to believe that they are encountering a situation that may require the use of force on a subject. Circumstances to consider may include the nature of the offense, seriousness of the offense, size and strength of the subject, number of subjects, availability of weapons, mental instability of the subject, availability of other force options, training and experience of the member and subject, environmental factors, and availability of back up and specialized units. This list is not meant to be exhaustive.

V. POLICY

It is the policy of the Baltimore City School Police Force that officers will use only the amount of force that is objectively reasonable and necessary in order to safely and effectively accomplish a lawful objective.

A. Use of Force Continuum

1. When the application of force is necessary, officers shall, when reasonable, utilize escalating scale of options. An officer shall not employ more forceful measure unless it is determined that a lower level of force would be inadequate, or such level is attempted and actually found to be inadequate. It is not necessary for an officer to use a lower level of force before using a higher level if such increase is reasonable and necessary.
2. The use of force continuum of options, in order of increasing severity is set forth below:
 - a. Officer Presence
 - b. Verbal Commands
 - c. Compliance- no force necessary
 - d. Non-Compliance- assess action and necessity of force
 - e. O.C. Spray



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

- f. Physical contact/force
- g. ASP Baton
- h. Less than deadly/lethal force
- i. Deadly force, if appropriate

NOTE: It should be recognized that based upon the fact and circumstances, this continuum of force can rapidly proceed from Officer Presence to Deadly Force instantly.

3. Members shall make reasonable attempts to de-escalate force immediately when it is apparent that a lesser level of force is appropriate. An officer need not attempt to gain control over an individual by use of the lowest level of force on the continuum when circumstance dictate and officer has reasonable belief that a higher level of force is necessary. Likewise, the skipping of an option/step may be appropriate given the resistance encountered. The continuum should be viewed as a wheel and not a ladder or stairs steps. An officer may go directly to any level of the continuum provided that the force selected is objectively reasonable, necessary, proportional, and justifiable.

B. Less Than Deadly Force

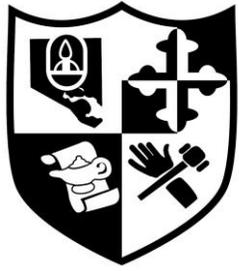
The use of less than deadly force against a person is authorized in situations not requiring the use of deadly force, where an objectively reasonable officer would conclude that other means of control or apprehension are inappropriate or ineffective. When used, such force must be only in the amount necessary to affect a lawful purpose. That is, to de-escalate the incident and bring it under control.

Officers are authorized to use BCSPF approved, less-than-deadly force techniques and issued equipment for resolution of incidents as follows:

1. To protect themselves or others from physical harm.
2. To restrain or subdue an individual resisting arrest, a lawful order, or to cease an activity.
3. To bring an unlawful situation safely and effectively under control.

C. Verbal Warnings

An officer should identify themselves, when reasonable, as a police officer and give a verbal warning to the suspect(s) and state their intention to use deadly force before using a firearm or employing deadly force, that unless the issuance of such an identification and warning may be detrimental to the safety of the officer or other persons. In such cases,



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

where an announcement may increase the risk to the officer or others, no verbal warning or identification need be given.

D. Deadly Force

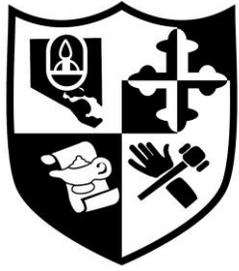
1. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
2. An officer may use deadly force to prevent the escape of a fleeing suspect if an objectively reasonable officer would believe that it is necessary and that there is probable cause to believe that:
 - a. The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death, and
 - b. The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or another person unless the suspect is apprehended without delay, and
 - c. The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

E. Restrictions on the Use of Deadly Force

1. An officer shall not use deadly force to subdue persons whose actions are a threat only to property.
2. Deadly force shall not be used against persons whose conduct is a threat only to themselves and not others.
3. Choke holds are prohibited unless deadly force is authorized and no reasonable alternative exists.
4. Members shall not fire any weapon from or at a moving vehicle, except:
 - a. To counter an imminent threat of death or serious physical injury to the member or another person, by a person in the vehicle using means other than the vehicle.
 - b. To counter a situation where the officer is unavoidably in the path of the vehicle and cannot move to safety.

F. Weapons

Officers shall carry and use only weapons issued or approved by the BCSPF as promulgated by General Order (Fire Arms Policy), unless a life-threatening emergency



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

exists and the officer is forced by circumstances to improvise with other weapon(s) that are available.

G. Discharge of Firearms

Members may discharge their issued or authorized firearm only in the following situations:

1. When authorized to use deadly force.
2. To stop a dangerous animal which poses a clear and imminent threat of death or serious physical injury to the officer or other person(s).
3. To kill an animal so badly injured that humanity requires its relief from further suffering, with approval of supervisor.
4. When used in practice, training, or qualification at a firing range or other appropriate location.

Officers should consider the potential for injury to innocent bystanders, whenever possible, before discharging a firearm.

H. Warning Shots

The firing of a warning shot(s) in an urban environment presents a substantial risk of injury to innocent persons. Therefore, the **firing of warning shots is prohibited.**

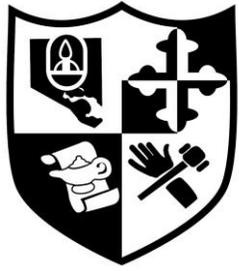
I. Pointing a Firearm

The pointing of a firearm at a suspect is in itself not considered a use of deadly force. It is permitted only when an officer reasonably fears for their safety or the safety of others and reasonably believes that it may be necessary to use the weapon in conformance with this General Order.

J. Medical Aid

Officers involved in a use of deadly force incident shall render immediate and appropriate medical aid (within the confines of the member's training as a *First Responder*) to any person injured or claiming to be injured as a result of a member's use of force, provided the officer may render aid without endangering themselves or other innocent persons, and if the injured person will permit such aid.

In cases of serious physical injury, including unconscious persons, the officer shall immediately summon fire and rescue personnel.



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

K. Youth-Specific Provisions

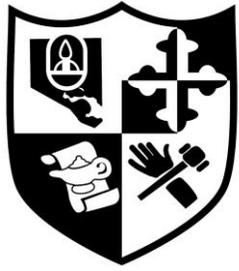
1. As with any encounter, officers are expected to continually assess the situation, employ de-escalation techniques, and seek peaceful resolutions during incidents involving youth when reasonably possible.
2. Officers should, when reasonable, recognize and employ developmentally-appropriate and trauma-informed tactics including, but not limited to, using a calm demeanor and avoiding threatening language. Officers should also account for any fear-based reactions a youth may experience during an encounter.
3. When force against a youth is necessary, an officer should take into account personalized factors of the youth including, apparent age, body size, and relative strength of the officer compared to the youth; and risk posed by the youth; and,
4. In the case of injury resulting from a use of physical force, in addition to the requirements to render aid, summon medical care and notify a supervisor, the officer should notify the youth's parent, guardian, or other responsible adult.

VI. REPORTING REQUIREMENTS

All cases involving the use of physical force shall be thoroughly examined to determine whether the use of force (including firearms) was authorized and justified under the circumstances.

- A. **Uses of Reportable Force** (other than training, practice, qualification, or appropriate recreational purpose) are as follows:
1. Discharge of O.C. spray.
 2. Any discharge of a firearm (including accidental).
 3. Striking a person with hands or feet.
 4. Striking a person with any object.
 5. Other uses of physical force resulting in obvious personal injury or death.
 6. Any use of physical force which results in complaint(s) of personal injury.

See Administrative Report Guidelines in this directive. (Annex B).



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20
SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

VII. RESPONSIBILITIES

A. Officer must

Notify a Sergeant/supervisor and submit a written "Use of Force" report, giving full particulars through official channels, whenever an officer:

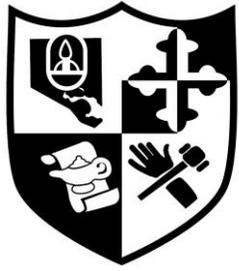
1. Unintentionally or intentionally discharges their firearm other than as part of range training or departmental sanctioned activity.
2. Strikes a person with their hands or feet, or with an impact object (e.g. asp baton).
3. Discharges O.C. Spray.
4. Unholsters and brandishes their firearm.

B. Additional Officer Responsibilities

1. Officers have a duty to intercede to prevent the use of excessive force by another member of the department toward any person.
2. Every departmental member must take appropriate action, and to report to a supervisor any situation where that member is aware that another member is using force in violation of the law or BCSPF policy.

C. Supervisor

1. When notified of a reportable use of force by an officer under their supervision, supervisors should:
 - a. Respond to scene and conduct a use of force investigation.
 - b. Promptly identify citizens who may have witnessed the use of force occurrence and obtain statements from the witnesses.
2. In all complaints of alleged excessive force where the victim requires medical treatment of any kind, is hospitalized, will likely die or has died:
 - a. Advise any interested party (ie. next of kin) that they may file a complaint, and provide the telephone number to the Internal Affairs Unit.
 - b. Ensure a forensic services technician photographs the extent of alleged injuries. When applicable, photographs should also be taken of involved departmental personnel.
 - c. Take appropriate investigative measures and forward all reports to the Internal Affairs Unit.
3. Request that the officer submit an administrative report with facts relevant to the incident. If the subject officer elects not to supply a written statement, do not order



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

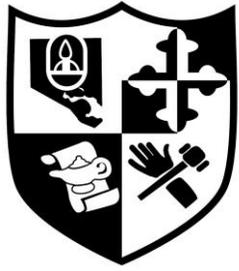
- the officer to submit a report. Should the time come that command decides to order the officer to submit a report, same will be conducted under proper legal guidelines. Complete the reporting with available information. Witness officers shall be ordered to submit reports to the supervisor, unless they invoke their rights against self-incrimination. Refusals to submit a report shall be properly documented.
4. Submit a written "Use of Force" report before the completion of shift; giving full details of the investigation, to the Operations Lieutenant official channels, whenever a subordinate officer uses reportable force. See Guidelines for Administrative Reports in this directive.
 5. Ensure compliance with proper reporting procedures, by reporting every instance wherein reportable physical force is used, (refer to General Order, Departmental Administrative Disciplinary Process), and submit reporting through channels.
 6. Prepare and sign a "Police Involved Shooting Report", (Annex A) whenever a subordinate officer:
 - a. Discharges a firearm, except when it is used on the range, or during department sanctioned activity.
 - b. Is the victim of an assault while acting as a police officer.
 7. Immediately forward the "Police Involved Shooting Report" along with the appropriate offense and administrative reports via the chain-of-command to the Chief of School Police.

D. Criminal Investigations Division should:

1. Direct the overall criminal investigation of the school police involved shooting whenever an officer discharges their firearm resulting in any injury or death. Coordinate investigative efforts with Baltimore Police Department investigators.
2. Do not demand an administrative report of the officer who discharged their weapon resulting in any injury or death without first consulting with the Operations Lieutenant.

E. Operations Lieutenant should:

1. Review the first-line supervisor's report, submitted via channels, and determine if the officer's actions were consistent with departmental policy and whether the actions were within the legal scope of the officer's authority. Include non-punitive supervisory direction or re-training as appropriate.
2. Forward "Use of Force" summary to Chief of School Police and Internal Affairs Unit. See Guidelines for Administrative Reports in this directive.
3. Do not include in the report a recommendation for or against disciplinary action.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

4. Ensure the appropriate distribution of copies of the Police Involved Shooting Report.
5. Bring to the immediate attention of the Chief of School Police, CEO, Administrative Support Officer, School Board Office, and Public Relations.
- 6.

F. Internal Investigation Unit should:

1. Take reasonable measures to ensure investigators are trained to properly approach and treat of citizens and members of the department who are willing to assist their police department, oftentimes- in spite of contrary feeling within their families, community or profession.
2. Take all reasonable measures to ensure the administrative investigation of all excessive force and complaint evaluation board cases involving members of this department are conducted in conformance with departmental administrative disciplinary process and LEOBR.

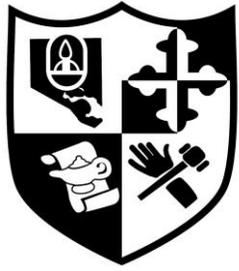
G. Captain of School Police should:

1. Make available training to police officers (recruit level and in-service training) in the proper use of force, in accordance with the policy and standard of this department.
2. Schedule any member who (1) discharges their firearm (except during training); or (2) becomes the victim of a discharged firearm; or (3) in their discretion, uses any other force, to participate in a training review of the situation:
 - a. After all administrative and criminal issues are completed; and
 - b. When the member is back to full duty.
3. After a consultation with the Chief of School Police, remove any departmental member from a line-duty assignment, whose action(s) or use of force in an official capacity results in death or serious physical injury until the outcomes of a thorough investigation determines the appropriateness of the use of force relative to the law and administrative process. In addition, the departmental member should be sent to see a certified psychologist of the department's choosing and expense prior to returning to line-duty.

These actions are not punitive in nature but are designed to support and protect the best interests of the departmental member, BCSPF, City Schools, and the community.

H. Professional Standards Unit

1. Should serve as the repository for all use of force reports.



BALTIMORE CITY

PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

2. Should ensure officer and supervisor compliance with this General Order and other related General Orders.
3. Should conduct an annual analysis of use of force incidents, to ensure any needed changes and/or modifications are made to existing policies, procedures, and practices.
4. Should issue an Annual Report to the Chief of School Police for public review and comment as to use of force incidents and outcomes. The retention of these reports will follow departmental and City School's retention policy.

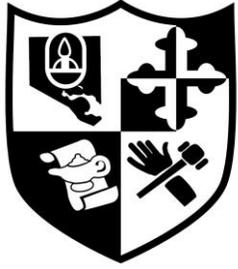
I. Training Unit

1. Should provide needed training to all departmental members in the proper use of force, defensive tactics, protective instruments, and use of force reporting requirements and guidelines.
2. Should maintain training records in accordance with Maryland Police and Correctional Training Commissions requirements to include the name of each departmental member who received the training, type of training provided and date completed. These records shall be accessible for supervisory review.
3. Should provide supplemental or remedial use of force training to departmental members when referred by supervisors or executive officers.

VIII. GUIDELINES FOR ADMINISTRATIVE REPORTS

A. Administrative reports should include, but not be limited to:

1. The facts impartially and accurately and without including opinions and justifications.
2. Any departmental or civilian property damaged as a result of officer's involvement.
3. Notation of the on-scene supervisor's actions and observations is required. Also:
 - a. The first-line reviewing supervisor will be the one to report the officer's actions.
 - b. Each higher rank in the chain of command will review the first-line supervisor's report.
 - c. Acknowledgement may be documented by a signed notation of concurrence.
 - d. Any other opinion requires additional detailed documentation by the reviewing member in disagreement.
4. The first line supervisor shall quote in the report the rule(s) that formed the basis under which action was reviewed, e.g.: Training Guidelines and General Orders.
5. Include a brief summary of the disposition of the subject after force was used (released, charges filed, or sent to hospital for evaluation, etc.)



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-20 SECTION K-12

USE OF FORCE

Revisions Approved: April 11, 2019

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6. Notations of attempts to conduct a canvass for witnesses must be included.
 7. Include, if known, the full name, address, race, sex, and date of birth of all known subjects and witnesses.
 8. All injuries to anyone involved must be documented. Negative injury statements for each participant are required.
 9. If drawings can help explain the facts in a complex incident, include them.
 10. Whether injuries (or lack of injuries) to officers and subjects were photographed as a means of documentation. Crime Lab and/or cameras can be utilized.
 11. Whether the subject officer issued a written statement or invoked their rights against self-incrimination?
 12. State whether there were there any witnessing officer(s) and whether written statements were obtained.
 13. As explanation why alternative means of force were not used.
 14. Include on a separate form with the Administrative Report package the past uses of force for each subject officer.

B. Additional Information

The original and four (4) copies of all subject reports (administrative and offense) are required, no matter how many officers are involved. The officer should retain the original and forward the copies to Internal Affairs Unit, Operations Lieutenants, Captain of School Police, and Professional Standards Unit.

IX. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature_____

Date_____