COLLABORATIVE REFORM INITIATIVE

An Assessment of Deadly Force in the Philadelphia Police Department

George Fachner ■ Steven Carter

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Community Oriented Policing Services
U.S. Department of Justice

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ANALYSIS & SOLUTIONS

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Letter from the Director

Dear colleagues,

As director of the COPS Office, I recognize that we are in a unique position to positively influence the law enforcement field. One of the numerous ways the COPS Office achieves this objective is through the Collaborative Reform Initiative for Technical Assistance.

In collaboration with a designated technical assistance provider, the COPS Office works with law enforcement agencies to assess issues that affect police and community relationships. Using the Collaborative Reform Initiative, law enforcement agencies receive technical assistance through an analysis of policies, practices, training, and tactics around specific issues. This process helps agencies ensure their practices are constitutionally based and respectful to the community. Through Collaborative Reform, we want to ensure that individuals' rights are protected, our officers' safety is assured, and our communities are served properly.

Police use of deadly force is one of the defining issues of our criminal justice system. It is the most serious action a police officer can take. The issue facing the Philadelphia Police Department (PPD) was an increase in use of force and a fractured relationship with community stakeholders. The primary goals of the PPD Collaborative Reform Initiative were (1) to enhance training as it relates to officer and public safety in deadly force situations, (2) to improve the quality and transparency of deadly force investigations from both a criminal and an administrative standpoint, (3) to strengthen the use of force review process, and (4) to institutionalize organizational learning processes and practices related to deadly force incidents. All of the efforts of this reform are also meant to help build trust between the PPD and the community.

This report provides the PPD with findings and recommendations to help the department improve with respect to use of force.

Building trust in communities is a COPS Office priority, so we are committed to assisting law enforcement agencies in enhancing relationships in the communities they serve. By deploying the basic elements of community policing—partnership development, problem-solving strategies, and organizational transformation—agencies are provided a road map to reform.

Sincerely,

Ronald L. Davis, Director
Office of Community Oriented Policing Services

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And most of all we want to express our deepest gratitude to the members of the Philadelphia community, the Philadelphia Police Department, and the Police Advisory Commission. The Pennsylvania State Chapter of the National Action Network opened their doors to us and brought us together with voices of the community we might not have encountered otherwise. We thank the community members who participated in the July 10 forum at Philadelphia City Hall; Executive Director of the Police Advisory Commission and Philadelphia community member Kelvyn Anderson; and the entire Philadelphia Police Department for the many candid conversations about the department's affairs.

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Executive Summary

Police use of deadly force is one of the defining issues of our criminal justice system. It is the most serious action a police officer can take. Events in 2014 in Ferguson, Missouri; Staten Island, New York; and Cleveland, Ohio, have brought these great challenges of policing to the national spotlight and uncovered significant strife between some communities and their law enforcement. Protest movements have spread across the country with profound mantras such as "Black lives matter," "hands up, don't shoot," and "I can't breathe."

In 2013, amidst a drop in violent crimes and assaults against the police, the number of Philadelphia Police Department (PPD) officer-involved shootings (OIS) was on the rise, as was the number of fatal OISs, which was uncovered and reported on by Philly.com.[1] Around the same time, Commissioner Charles C. Ramsey requested technical assistance from the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) through the Collaborative Reform Initiative.

The COPS Office and the PPD established the goal to examine and reform deadly force policies, practices, and related processes in the PPD, taking into account national standards, best practices, current and emerging research, and community expectations. The following objectives were agreed upon by the COPS Office and the PPD:

- Enhance training as it relates to officer and public safety in deadly force situations.
- Improve the quality and transparency of deadly force investigations from both a criminal and administrative standpoint.
- Strengthen the use of force review process.
- Institutionalize organizational learning processes and practices related to deadly force incidents.

This is a technical report on the current and future states of deadly force policy, training, investigations, and practice in the Philadelphia Police Department. The assessment was conducted by an interdisciplinary team of researchers, analysts, and subject matter experts over a 12-month period.

Methods

Over the course of our assessment, we conducted five site visits to meet with department members and community stakeholders; conduct observations; and collect data. We undertook an in-depth case study approach to gain an operational understanding of the agency. The multi-faceted approach involved four modes of inquiry: document review, interviews, direct observation, and data analysis.

We reviewed hundreds of departmental policies, manuals, training lesson plans, and strategic plans. Each document was reviewed to gain a baseline understanding of how the department governs officer-involved shootings and all related practices.

We conducted a series of interviews, focus groups, and meetings with community members and PPD civilian and sworn personnel throughout the process. Interviews were designed to be semi-structured, allowing conversations to digress as appropriate. In total, we interviewed 164 individuals for this assessment.

1. Sam Wood, "Exclusive: Shootings by Philly Police soar as violent crime plummets," *Philly.com*, May 14, 2013, http://www.philly.com/philly/news/Police_involved_shootings_in_Philly_soar_as_violent_crime_falls.html.

We directly observed PPD operations several times throughout our assessment, including foot patrol beats, four PPD training modules, and use of force review board hearings of 20 OIS incidents.

We collected, cleaned, coded, and analyzed various sets of data available from the PPD, including their OIS database, use of force database, OIS investigative files, police board of inquiry hearings and findings, and recruit academy course evaluations.

Our analysis relied primarily on an inductive approach. In other words, through our data analysis, interviews, observations, and document review, we identified gaps and weaknesses in PPD operations. We sought to explain and address those gaps and weaknesses with our understanding of the PPD's organizational structure and operations, consultation with other police departments and subject matter experts, and a review of the existing research on our topics of interest: policy, training, investigations, and police accountability. Throughout our assessment, we identified recurring themes through our interview notes, findings from our data analysis, reviews of policies, and observations of the PPD in practice. When possible, we use national standards, best and emerging practices, and research to inform our recommendations. At the same time, we allow for flexibility and innovations, based on our experience and expertise.

This report is organized in 10 chapters. We summarize each chapter in this executive summary, along with a sample of key findings and recommendations for each chapter.

By the numbers: Trends and patterns in officer-involved shootings in Philadelphia

We lay the groundwork for understanding OISs in Philadelphia by presenting a descriptive analysis of incidents occurring from 2007 to 2013. We frame our analysis around the following interrogatives: when, where, who, and how? In doing so, we present a comprehensive examination of the time and location of OISs. We also examine the individuals involved—officers and suspects—and the dynamics of the encounter. We give special attention to the issue of race and threat perception, examining these factors both independently and together. Our analysis uncovered several key findings.

For the purpose of our assessment, we define an OIS as any firearm discharge that meets the following criteria:

- The individual discharging the firearm is a sworn officer.
- The individual discharging the firearm may be on duty or off duty.
- The discharge of the firearm involves another human being.
- The discharge of the firearm is intentional (unless someone other than the officer is injured; discharges in which someone other than the officer is injured are also counted as OISs even if the discharge is accidental).

Between 2007 and 2014, there were 394 OISs in the PPD, with an annual average of 49. The 22nd and 25th police districts of Philadelphia experienced the most OISs in our study period. Looking across the entire city, we found that patterns of gun-related violent crimes and homicides in Philadelphia's police districts correlate with the prevalence of OISs.

OISs mostly involved three or fewer officers. The vast majority (94 percent) of officers involved in shootings were men. The majority (59 percent) of officers were White, whereas 34 percent were Black, 7 percent were Hispanic, and less than 1 percent were Asian. Officers were 33 years old, on average, and usually in a patrol function. Although patrol officers have the greatest number of OISs, when controlling for the size of different PPD units, the highway patrol, major crimes unit, and narcotics strike force had the highest rates of OISs.

The average age of suspects was 20 years old. The racial composition of suspects in OISs was 81 percent Black, 9 percent Hispanic, 8 percent White, and 2 percent Asian. Suspects were unarmed in 15 percent of OISs. Suspects were armed with firearms 56 percent of the time; used vehicles as weapons 9 percent of the time; were armed with a sharp object 8 percent of the time; were armed with a BB gun 3 percent of the time; and were armed with a blunt object 3 percent of the time. In 6 percent of cases, whether the suspect was armed has not been determined.

Unarmed OIS incidents were mostly attributable to one of two factors: threat perception failures and physical altercations. Threat perception failures occur when the officer(s) perceives a suspect as being armed due to the misidentification of a nonthreatening object (e.g., a cell phone) or movement (e.g., tugging at the waistband). This was the case in 49 percent of unarmed incidents. Physical altercations refer to incidents in which the suspect reached for the officer's firearm or overwhelmed the officer with physical force. This was the case in 35 percent of unarmed OISs. The remaining unarmed incidents involved toy guns (10 percent), unarmed accomplices (3 percent), and accidental discharge (2 percent).

White suspects were unarmed in 8 of 32 OISs (25 percent). Black suspects were unarmed in 45 of 285 OISs (15.8 percent). Hispanic suspects were unarmed in 5 of 34OISs (14.7 percent). And Asian suspects were unarmed in 1 of 5 OISs (20 percent). Looking more closely at OISs shows that Black suspects in OISs were the most likely to be the subject of a threat perception failure (8.8 percent) and White suspects in OISs were the most likely (18.8 percent) to be involved in a physical altercation resulting in an OIS.[2]

We also examined the race of involved officers in threat perception failure OISs to gain a greater understanding of how cross-race encounters may influence threat perception. We found that the threat perception failure rate for White officers and Black suspects was 6.8 percent. Black officers had a threat perception failure rate of 11.4 percent when the suspect was Black. The threat perception failure rate for Hispanic officers was 16.7 percent when involved in an OIS with a Black suspect

Use of force policies

We reviewed all PPD policies as they relate to deadly force, focusing primarily on directives 10 and 22, because they are the policies specific to use of force. Our review of these policies focused on the following characteristics: consistency with training practice and other policies; consistency with best and emerging practices, research literature, and the department's unique needs; court decisions; and the importance of officer and public safety. We make a total of 10 findings and 19 recommendations. Following are a selection of key findings and recommendations for PPD policy from the report.

2. Because of the relatively small number of OISs involving Asian suspects, we do not make any conclusions regarding the rate at which these suspects were unarmed.

Finding: PPD officers do not receive regular, consistent training on the department's deadly force policy (finding 1).

Recommendation: *The PPD should develop a standard training module on directives 10 and 22 and require all sworn personnel to complete the training on an annual basis (recommendation 1.1).*

Recommendation: *The PPD should engage with officers and supervisors at the patrol level to seek their input on the clarity and comprehensibility of the department's use of force directives (recommendation 1.2).*

Finding: The PPD requires officers to complete crisis intervention training (CIT) in order to obtain an electronic control weapon (ECW). This requirement conflates the two tactical approaches and limits the distribution of less-lethal tools throughout the department (finding 8).

Recommendation: *The PPD should decouple ECWs and CIT both conceptually and operationally (recommendation 8.1).*

Recommendation: *ECWs should be standard-issue weapons for all PPD officers assigned to uniformed enforcement units (recommendation 8.2).*

Recommendation: *All PPD officers in uniformed enforcement units should be required to carry ECWs on their duty belts at all times (recommendation 8.3).*

Finding: The PPD's drafted ECW policy is not detailed enough regarding the circumstances in which use of the tool should be limited (finding 9).

Recommendation: *The PPD's ECW policy should limit the number of cycles used per subject to three (recommendation 9.1).*

Recommendation: *The PPD's use of force decision chart policy should clearly illustrate where using ECWs is appropriate and inappropriate (recommendation 9.2).*

Basic recruit training

Our assessment of the PPD's recruit academy training targeted all coursework that covered the following areas: defensive tactics; de-escalation; use of force; firearms. We conducted a detailed review of lesson plans for all relevant training modules. Our interviews with new recruits, line officers, recruit graduates, supervisors, command staff, and community members covered academy training and issues related to the preparedness of new recruits. We also compared PPD academy practices to those of other large agencies. Last, we reviewed course evaluation forms from multiple academy classes. We make a total of 11 findings and 15 recommendations. Following are a selection of key findings and recommendations for PPD academy training from the report.

Finding: PPD recruit training is not conducted in a systematic and modular fashion. As a result, some recruit classes receive firearms training close to the end of the academy, whereas others receive it early on (finding 11).

Recommendation: *The PPD should revise the sequencing of its academy curriculum so that recruits are continually building on previously learned skills (recommendation 11.1).*

Recommendation: *Skills that require continual training and refinement, such as firearms, defensive tactics, communications, and driving, should be staggered throughout the length of the academy (recommendation 11.2).*

Finding: For some PPD recruits, de-escalation training has been little more than lecture and observations. Focus group participants generally agreed that more de-escalation training was needed at the academy (finding 15).

Recommendation: *The PPD should revamp its academy de-escalation training, ensuring that recruits receive more hours of scenario training, which allows each recruit to exercise and be evaluated on verbal de-escalation skills (recommendation 15.1).*

Recommendation: *PPD de-escalation training should be expanded to include a discussion of tactical de-escalation (recommendation 15.2).*

Finding: Incidents involving discourtesy, use of force, and allegations of bias by PPD officers leave segments of the community feeling disenfranchised and distrustful of the police department (finding 17) .

Recommendation: *PPD's academy should significantly increase the scope and duration of its training on core and advanced community oriented policing concepts (recommendation 17.1).*

Finding: There is a strong desire for more reality-based training (RBT) throughout the department (finding 20).

Recommendation: *The PPD should increase the amount of reality-based training offered to academy recruits (recommendation 20).*

In-service training

Our assessment of the PPD's in-service training program focuses on courses officially offered through the PPD. Classes taken outside of the purview of the PPD administration are not part of our assessment. We reviewed lesson plans for all relevant training modules. We also discussed in-service training in interviews with line officers, supervisors, command staff, and community members. Last, we used our analysis of force encounters to help identify gaps and areas for improvement for in-service training. We make a total of nine findings and 14 recommendations. Following are a selection of key findings and recommendations for PPD academy training from the report.

Finding: The PPD lacks a field-training program to help transition academy graduates into full-time work as officers (finding 22).

Recommendation: *The PPD should develop a field-training program (recommendation 22).*

Finding: The PPD's annual in-service training requirements tend to be limited to municipal police officer education and training commission standards. As a result, officers do not regularly receive in-service training on threat perception, decision making, and de-escalation (finding 23).

Recommendation: *The PPD should add at least one additional day of reality-based training to its annual requirements (recommendation 23.1).*

Recommendation: *The PPD should include training in procedural justice during the next offering of mandatory in-service program courses (recommendation 23.2).*

Recommendation: *The PPD should include training in fair and impartial policing during the next offering of mandatory in-service program courses (recommendation 23.3).*

Finding: The PPD requires that officers qualify with their firearms just once per calendar year (finding 29).

Recommendation: *The PPD should require that officers qualify with their weapons at least twice per year (recommendation 29).*

Finding: PPD officers do not receive in-service defensive tactics training (finding 30).

Recommendation: *The PPD should provide periodic defensive tactics training (recommendation 30).*

Investigations

Our assessment of the PPD's investigations of officer-involved shootings and other instances of deadly force accounted for the criminal and administrative investigation of an incident. By criminal investigation of an OIS, we mean the investigation that is intended to uncover the potential for any criminal wrongdoing by the officer in addition to the investigation of the suspect. The administrative investigation of an OIS is intended to determine if there are any administrative or policy violations that occurred in the course of the incident.

To understand the nature and quality of the PPD's investigative practices, we undertook several tasks. First, we reviewed all of the department's policies and manuals related to deadly force investigations. Second, we conducted interviews with investigators from the department's shooting team, which is part of the Internal Affairs Division (IAD); homicide detectives; district detectives; and command staff. And last, we conducted a systematic evaluation on the quality of investigations. We make a total of nine findings and 18 recommendations. Following are a selection of key findings and recommendations for PPD academy training from the report.

Finding: OIS investigations generally lack consistency (finding 31).

Recommendation: *The PPD should establish a single investigative unit devoted to criminal investigations of all deadly force incidents (recommendation 31.1).*

Recommendation: *PPD deadly force investigation team (D-FIT) members should have the experience and training necessary to conduct thorough and objective OIS investigations (recommendation 31.2).*

Recommendation: *The PPD should develop a manual for conducting OIS investigations from a criminal standpoint (recommendation 31.3).*

Finding: The PPD's current practice for recording interviews of witnesses and discharging officers is through typed notes (finding 33).

Recommendation: *The PPD should establish a policy that interviews of all critical witnesses and suspects in the course of an OIS investigation will be video and audio recorded (recommendation 33).*

Finding: The IAD shooting team waits for the district attorney's office (DAO) to decline charges against an officer before it interviews discharging officers and closes its investigation. As a result, most officers involved in shootings are not interviewed until three or more months after the incident occurred (finding 36).

Recommendation: *The PPD should revise its policy and practice so that the criminal investigative unit assigned to each OIS is the primary point of contact with the DAO. The IAD should be extricated from this role (recommendation 36.1).*

Recommendation: *The shooting team should conduct interviews with all discharging officer(s) as soon as practical, but not later than 72 hours after the incident (recommendation 36.2).*

Recommendation: *The IAD should set a goal to close administrative investigations within 30 days of the DAO's declination (recommendation 36.3).*

Recommendation: *All interviews of discharging officers should be video recorded (recommendation 36.4).*

Finding: The scope of shooting team investigations focuses solely on policy, while largely neglecting officer tactics and decision making (finding 39).

Recommendation: *The shooting team should significantly enhance their investigative scope to include officer tactics and decision making (recommendation 39.1).*

Recommendation: *Shooting team investigative reports should highlight findings and any inconsistencies in policy, procedure, and training for the use of force review board to evaluate in their decision (recommendation 39.2).*

Recommendation: T*he shooting team should develop an operations manual, delineating all of their investigative activities, reporting, and role in the review process (recommendation 39.3).*

Use of force review and officer accountability

We assessed the process in which the PPD reviews officer-involved shootings internally, holds officers accountable, learns, and self-corrects from those incidents. Our assessment included the department's case review program, Use of Force Review Board (UFRB), and Police Board of Inquiry (PBI). We reviewed all of the Office of Professional Responsibility's (OPR) policies, directives 10 and 22 on use of force, and a sample of memorandum regarding UFRB decisions. We interviewed members of the UFRB, members of the PPD's charging unit, and various members of internal affairs. We also observed the UFRB in hearing and reviewing 20 OISs. Last, we examined outcome and disciplinary data from the most recent 88 cases heard by the PBI, spanning 2007 through 2013. We make a total of five findings and 12 recommendations. Following are a selection of key findings and recommendations for PPD academy training from the report.

Finding: The UFRB and PBI are duplicative processes that at times have conflicting outcomes. This sends a mixed message to members of the department and causes unnecessary internal strife (finding 40).

Recommendation: *The PPD should dismantle the two-board system for OISs and combine the functions of the UFRB and PBI into one integrated board (recommendation 40.1).*

Recommendation: *The newly established board should conduct a comprehensive review of each incident (recommendation 40.2).*

Recommendation: *Voting board members should include command staff, a sworn officer one rank higher than the involved officer, a peer officer, and at least one citizen representative (recommendation 40.3).*

Recommendation: *Shooting team investigators should make a formal presentation of the facts to the board, highlighting any potential conflicts and key points for deliberation amongst the board (recommendation 40.4).*

Recommendation: *Board members should have the opportunity to call witnesses and ask questions related to the incident (recommendation 40.5).*

Recommendation: *After board proceedings are complete, voting members should deliberate the case and issue a finding by majority vote (recommendation 40.6).*

External oversight and transparency

Our assessment of external oversight and transparency focused on two key areas of interest: the relationship between the department and the Police Advisory Commission (PAC) and the release of information to the public regarding deadly force incidents and outcomes. We examined the department's investigative and review procedures; the participation of outside parties; and policies and practices of the PPD, including reforms the department undertook in 2014, regarding the release of information regarding OIS incidents and outcomes to the public. We interviewed PPD personnel from the office of communications and command staff. We also discussed the issue of transparency and oversight with community members over the course of our assessment. We make a total of four findings and 11 recommendations. Following are a selection of key findings and recommendations for PPD academy training from the report.

Finding: The PPD has begun posting a significant amount of data and case information on its website. Still, more transparency is needed for properly keeping the community informed (finding 45).

Recommendation: *The PPD should, at a minimum, publish directive 10, directive 22, and the yet-to-be-written directive of the UFRB on the OIS webpage (recommendation 45.1).*

Recommendation: *The PPD should update its website as case files are closed and available for public dissemination (recommendation 45.2).*

Recommendation: *The PPD website should be updated to include more detailed accounts of the OIS and DAO review of the incident (recommendation 45.3).*

Recommendation: *The PPD should publish a detailed report on use of force, including deadly force, on an annual basis. The report should be released to the public (recommendation 45.4).*

Finding: The PPD does not fully accommodate the PAC in its role to provide independent civilian oversight of police operations in Philadelphia (finding 46).

Recommendation: *The PPD should work with the PAC and accommodate requests for important documentation, investigative files, and data related to all uses of force, including OISs (recommendation 46).*

Finding: Distrust in the ability of the PPD to investigate itself pervades segments of the community. Scandals of the past and present, high profile OIS incidents, and a lack of transparency in investigative outcomes help cement this distrust (finding 47).

Recommendation: *The PPD should establish a policy stating that the police commissioner or designee will hold a press conference on an OIS incident within 72 hours of the incident (recommendation 47.1).*

Recommendation: *The PPD should enter into an agreement with the police advisory commission allowing a PAC observer access to all pertinent documentation related to an OIS investigation (recommendation 47.2).*

Recommendation: *The police commissioner should enter into a memorandum of understanding with an external, independent investigative agency, through which the investigation of all OISs involving an unarmed person will be submitted for review (recommendation 47.3).*

Conclusion

The PPD is a large, complex organization with a deeply rooted history and culture. The department's complexity reflects, in part, the growing complexity of the role of police in society, which has evolved from reactive to proactive in its fight against crime. We are recommending the department take the same evolutionary steps in its approach to public interactions, use of force, and deadly force. The first step was already completed when the commissioner requested this assessment from the COPS Office. The department has been fully cooperative with our assessment and has both literally and figuratively opened its books to our team. For that, the department is deserving of praise.

The department has much work to do in the months and years ahead. Our assessment uncovered policy, training, and operational deficiencies in addition to an undercurrent of significant strife between the community and department. It yielded 48 findings and 91 recommendations for the department to reform its deadly force practices.

Over the next 12 months, the assessment team will work with the PPD and the COPS Office to monitor and assist in the implementation of the reforms. The department's progress will be published in two monitoring reports. The reforms are intended to create a safer environment for the public and officers. By implementing the reforms recommended in this report, the department will be addressing a host of critical issues facing not only the PPD but also the entire police profession.

Chapter 1. Introduction

Police use of deadly force is one of the defining issues of our criminal justice system. It is the most serious action a police officer can take. Even when deadly force incidents are ruled to be justified by external bodies and police review boards, these incidents raise concerns about police policy and practice. Perceptions of police legitimacy are challenged, which can lead to further loss of life, civil disorder, and long-term tension between police agencies and the people they serve.

Events in 2014 in Ferguson, Missouri; Staten Island, New York; and Cleveland, Ohio, have brought this great challenge of policing to the national spotlight and uncovered significant strife between some communities and their law enforcement agencies. Protest movements have spread across the country with profound mantras such as "Black lives matter," "Hands up, don't shoot," and "I can't breathe." A national conversation focuses on the way in which officers are prepared to make life and death decisions, de-escalate potentially violent encounters, and embrace the principles of problem solving and community oriented policing.

This is a technical report on the current and future states of deadly force policy, training, investigations, and practice in the Philadelphia Police Department (PPD). It contains the findings and recommendations made by an independent, interdisciplinary team of researchers, analysts, and subject matter experts over a 12-month period. The PPD voluntarily engaged in this thorough assessment sponsored by the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office).

The Philadelphia Police Department

The PPD is one of the oldest and largest law enforcement agencies in the country. The department polices a population of approximately 1.5 million with 6,526 sworn officers and 834 civilian staff, totaling 7,360 personnel.[3] The PPD is the primary law enforcement agency with responsibility for Philadelphia County (Pennsylvania), which spans 140 square miles.

The department is divided into 21 geographically situated police districts, each of which is commanded by a captain. Overlaying the police districts are six police divisions—the northwest, northeast, east, central, southwest, and south divisions—each of which is under the command of a division inspector. Regional operations commands in the north and south are headed by chief inspectors, each of whom is under the command of the deputy commissioner for patrol operations. The PPD's organizational chart is published online and provides a helpful illustration for understanding the PPD's command structure.[4]

Like many major city police departments, the PPD has faced significant levels of crime, including violent crime and homicides, in past years. The department publicizes its crime statistics on its website, including raw data, crime maps, weekly crime reports, and general trends.[5] From 2007 to 2013, there has been a general downward trend in crime in Philadelphia. The most pronounced reductions have been homicides, which are down approximately 37 percent compared to 2007.

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3. *Crime in the United States, 2012* (Washington, DC: Federal Bureau of Investigation, 2013), accessed February 10, 2015, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/78tabledatadecpdf/table-78-state-cuts/table-78-pennsylvania.
4. Philadelphia Police Department, "PPD Organizational Chart," November 6, 2013, https://www.phillypolice.com/assets/about-the-department/PPD-Org-Chart-11-6-13.pdf.
5. "Crime Maps & Stats," Philadelphia Police Department, accessed January 7, 2015, https://www.phillypolice.com/crime-maps-stats.

The department has had its share of violence towards officers, although that has also declined in this time period. Between 2007 and 2013, total assaults on the police have declined more than 50 percent from 1,528 to 767, and assaults with weapons on police have declined from 304 to 212. Six PPD officers were feloniously killed in the line of duty between 2007 and 2013.

In 2013, amidst a drop in violent crimes and assaults against the police, the number of PPD officer-involved shootings (OIS) was on the rise, as was the number of fatal OISs, which was uncovered and reported on by Philly.com.[6] Around the same time, Philadelphia Police Commissioner Charles C. Ramsey requested technical assistance from the COPS Office through the Collaborative Reform Initiative.

Collaborative Reform Initiative

In 2011, the COPS Office developed the Collaborative Reform model of technical assistance to engage with law enforcement agencies on issues such as use of force, community trust, and police legitimacy. The model provides requesting agencies with a comprehensive organizational assessment followed by a series of recommendations and a period of monitoring the implementation of reforms. The COPS Office selected CNA Corp. (CNA) as the technical assistance provider charged with conducting the assessment and monitoring the implementation of reforms in the PPD.

The COPS Office and the PPD established the goal to assess and reform deadly force policies, practices, and related processes in the PPD, taking into account national standards, best practices, current and emerging research, and community expectations. To accomplish this goal, the COPS Office and the PPD agreed on the following objectives:

- Enhance training as it relates to the safety of officers and the public in deadly force situations
- Improve the quality and transparency of deadly force investigations from both a criminal and an administrative standpoint
- Strengthen the use of force review process
- Institutionalize organizational learning processes and practices related to deadly force incidents

Organization of this report

This report is organized in 10 thematic chapters. In chapter 1, we introduce the importance of the topic—deadly force—and the PPD's reform goals. Chapter 2 describes the in-depth case study approach applied to complete our assessment. Chapter 3 provides an analysis of OIS incidents, including suspect, officer, and incident dynamics. We give special attention to the nexus of race, threat perception, and OISs. Chapters 4 through 9 describe various aspects of the department's operations as they relate to deadly force; each of those chapters concludes with our findings and recommendations for the department.

Chapter 4 provides an assessment of the department's use of force and related policies. Chapter 5 provides an assessment of academy training related to use of force and public interactions. We compare the PPD to other large law enforcement agencies in terms of academy training. Last, we examine recruit academy student evaluations. In chapter 6, we provide an assessment of all in-service training offered by the PPD, including required, specialized, and commissioner-mandated courses. Chapter 7 comprises an assessment

6. Wood, "Exclusive: Shootings by Philly Police" (see note 1).

of PPD investigations for deadly force incidents. This includes criminal investigations and administrative investigations. We also conduct an original analysis on the quality of deadly force investigations and provide our results. Chapter 8 of this report describes the department's processes for reviewing deadly force incidents, which includes the use of force review board and the police board of inquiry. In chapter 9, we review the external accountability mechanisms in place for the PPD. We also assess transparency around the issue of deadly force. Chapter 10 concludes this report with a description of the next steps to be taken in the collaborative reform initiative with the PPD.

Note to the reader

In each chapter, we first present an overview of the chapter's contents and explain the methods used for examining that particular topic area. Then we describe the key areas of interest, such as policies or lesson plans. These descriptions are intended only to highlight the key areas of interest. They should not be understood to be complete or comprehensive descriptions and should not be construed as approval of the department practice being described. Commentary or judgment statements are reserved for the findings and recommendations section of each chapter.

We use the term "OIS" frequently throughout this report. Although not all deadly force incidents are OISs, OISs make up the vast majority of such incidents. Except in the few instances where we refer to OIS-specific issues, we generally use the term "OIS" to mean deadly force incidents.

There are many things that the department does exceedingly well. This report, by its very nature, focuses on areas where the department needs to improve. Our findings and recommendations will reflect that objective.

Last, this is a technical report; therefore, we often must use technical language when describing and prescribing police operations, which might be unfamiliar to some readers. We try to provide clarity as appropriate.

Chapter 2. Methods

Overview

Over the course of our assessment, we conducted five site visits to meet with department members and community stakeholders, conduct observations, and collect data. We undertook an in-depth case study approach in order to gain an operational understanding of the agency.

Our multi-faceted approach involved four modes of inquiry: document review, interviews, direct observation, and data analysis. We used these modes of inquiry to become experts on the Philadelphia Police Department's (PPD) practices regarding officer-involved shootings (OIS), including its policy, training, investigation, review, and accountability processes. In doing so, we were able to identify problem areas and solutions based on our knowledge of the agency, professional standards, best and emerging practices, research and analysis, and innovations born directly out of this effort.

In the following sections, we describe each mode of inquiry as it applies to this effort.

Document review

We reviewed hundreds of PPD policies, manuals, training lesson plans, and strategic plans. Each document was reviewed to gain a baseline understanding of how the department governs officer-involved shootings and all related practices. We examined these documents for consistency with current departmental practices.

In addition, the documents were reviewed for their comprehensiveness, clarity, and consistency with national standards, best and emerging practices, and current research.

Policy review

Our policy review accounted for all policies related to public interactions, use of force, and investigations and PPD review of these incidents, including all policies of the Office of Professional Responsibility and PPD directives 10 and 22 on use of force.

Training review

We reviewed the entire curriculum of PPD recruit academy training and identified numerous courses related to our review, including crisis management, perceptions of human behavior, vehicle stops, application of force, baton training, defensive tactics, defusing and de-escalation, dispute intervention and conflict management, police communications, use of force in law enforcement, urban disorder management, municipal police officer basic firearms training, mental health first aid, and radio training. We also reviewed all of the PPD's in-service training modules, including the Municipal Police Officer Education and Training Commission (MPOETC) firearms qualification course and required classroom-based training over the past five years.

Internal memoranda

In addition to policies and lesson plans, we reviewed numerous memoranda regarding use of force review board findings and the PPD's case review program, which functions as the department's early intervention system.

Interviews

Throughout the process, we conducted a series of interviews, focus groups, and meetings with community members and PPD civilian and sworn personnel.[7] Interviews were semi-structured, allowing conversations to digress as appropriate while covering key points of inquiry. All interviews discussed, in general terms, the nature and frequency of OISs in Philadelphia and the department's activities related to that issue. In addition, we discussed areas of focus specific to various interview participants. For example, our interviews with investigators addressed the organization and processes in place for conducting OIS investigations, and our interviews with training staff included more in-depth conversations about the department's training policies and protocols. All interviews were transcribed without attribution. In total, we conducted 150 interviews for this assessment, which comprised 118 interviews with sworn personnel, 27 with community members, four with city employees, and one with Philadelphia's Fraternal Order of Police.

PPD personnel

Interviews with PPD personnel spanned the agency's hierarchy. We interviewed members at every level in the agency from recent recruit graduates to the commissioner. We interviewed patrol officers, sergeants, lieutenants, captains, inspectors, and deputy commissioners. Our interviews also covered a wide array of functions in the department, including training, investigations, patrol, special weapons and tactics (SWAT), communications, officer safety, and labor relations.

Other Philadelphia municipal employees

Other city personnel we interviewed were representatives from the district attorney's Special Investigations unit and the Police Advisory Commission.

Community members

Last, we connected with community members in a public forum and in private settings. On July 10, 2014, we participated in a public forum at the Philadelphia City Council chambers, hosted by the police advisory commission. At the forum, we heard testimony from 16 members of the Philadelphia community, including representatives from the Pennsylvania National Action Network (NAN), families affected by officer-involved shootings, community members from the 18th police district, People United for Justice and Accountability, Citizens United Warriors for Justice, Asociación Puertorriqueños en Marcha (APM), and many individual community members expressing their concerns. We also conducted a series of private and small-group interviews to discuss OISs in Philadelphia with NAN, individual community members, and a sample of members of the police district advisory councils (PDAC), which are district-based community advisory councils that meet and discuss a host of issues, such as crime and quality of life, with members of the PPD from their respective police districts.

Direct observation

We directly observed PPD operations several times throughout our assessment. Team members participated in two foot patrols with rookie officers in the 25th and 22nd districts. During that time, we also discussed the department's policies and practices with the officers and how they translated into those routines.

7. Throughout the report, we generally refer to information obtained from interviews, focus groups, or meetings as being from "interviews."

Training observations

We observed four PPD training modules: defensive tactics, SWAT officer dynamic room entry training, the recruit academy's vehicle investigation scenario training, and the commissioner-mandated active shooter training. Although the content of the training was available on paper, direct observations gave us a more in-depth, qualitative understanding of how the training is delivered and how officers are assessed by training staff. We were also able to discuss each program with trainees and trainers at the start and end of each training session.

Use of Force Review Board observations

Last, we observed two Use of Force Review Board hearings. Because the department typically reviews more than one OIS per hearing, we observed the PPD's review of 20 OISs during the two board hearings.

Data analysis

We collected, cleaned, coded, and analyzed various sets of data from the department, including: OIS database; use of force database; OIS investigative files; police board of inquiry hearings and findings; and recruit academy course evaluations.

PPD OIS database

The PPD's internal OIS database contains pre-coded data on officer, suspect, and incident characteristics for all firearms discharges, including accidental discharges and animal shootings. The data are housed by the Office of Professional Responsibility (OPR). We retrieved all OIS incidents from 2007 to 2013; there were more than 600 OIS incidents over that seven-year period. The focus of our analysis was on person-involved OISs, which accounted for 364 OISs in our time frame. We conducted a series of descriptive analyses to understand the nature and prevalence of OISs, including suspect and officer characteristics and incident dynamics.

Where appropriate, we conducted bivariate analyses to gain a deeper understanding of the phenomenon. In this report, we use data on violent crime in Philadelphia to examine the relationship between violent crimes and OISs at the district level. We also use PPD personnel data to calculate rates at which various units within the PPD are involved in OISs. Finally, we took a closer look at the nexus of race and OISs by calculating the percentages of White, Black, Hispanic, and Asian subjects involved in OISs who are unarmed. We then examine whether these percentages appear to be influenced by the race of the officer.

The findings from these analyses provide an empirical foundation for understanding the nature and prevalence of OISs in Philadelphia. They are used throughout the report to support our findings on and recommendations for the department's policy, training, investigations, and review of OIS incidents.

PPD use of force database

We retrieved all use of force data from the PPD's internally maintained database, accounting for all uses of force from 2007 to 2013. We examined uses of force involving armed persons, comparing the percentage of officer electronic control weapon (ECW) use to firearms discharges over time. This analysis informed our findings and recommendations related to the PPD's use of force policies.

OIS investigative quality evaluation

We reviewed and systematically coded the content and quality of 35 randomly selected OIS case files. We devised a 90-point scale based on our extensive review of current and best practices, professional associations, and our collective experiences identifying quality investigations. The scale consists of a collection of "yes/no" and Likert scale (1–5) items. A panel of four expert, experienced investigators evaluated this sample of fatal and nonfatal OISs. The evaluations are used to identify trends in PPD investigative practices and the overall quality of the investigations. These trends helped inform our findings and recommendations related to OIS investigations, both administrative and criminal.

Police Board of Inquiry database

We reviewed Police Board of Inquiry (PBI) outcomes for all OISs that occurred between 2007 and 2013 and were heard by the PBI. In total, 88 officers were subject to PBI review as the result of 57 OISs. We calculated the rate and extent of discipline that is issued as the result of an OIS. These trends informed our findings and recommendations related to the use of force review board and officer accountability.

Recruit academy course evaluations

We collected PPD-administered course evaluations from recruit classes. Course evaluations were developed and distributed by the academy and the firearms training unit. Academy evaluations solicited feedback on academy-wide training, including classroom activities, scenarios, and firearms training. The firearms training unit evaluation form focused solely on firearms training. We retrieved a sample of 23 academy-wide course evaluations and 164 firearms-specific course evaluations. The evaluations consisted of a series of questions on the recruits' likes and dislikes about the training. We coded the evaluation responses into a database and identified three key types of feedback generated by the evaluations: strengths, weaknesses, and areas in which recruits want or need more training. We used calculated descriptive trends and used the results to inform our assessment of PPD recruit academy training.

Developing findings and recommendations

Our analysis relied primarily on an inductive approach. In other words, through our data analysis, interviews, observations, and document review, we identified gaps and weaknesses in PPD operations. We sought to explain and address those gaps and weaknesses with our understanding of the PPD's organizational structure and operations, consultation with other police departments and subject matter experts, and a review of the existing research on our topics of interest: policy, training, investigations, and police accountability.

Throughout our assessment, we identified recurring themes in our interview notes, findings from our data analysis, reviews of policies, and observations of the PPD in practice. When possible, we use national standards, best and emerging practices, and research to inform our recommendations. When applicable, these sources are cited throughout the report. At the same time, we allowed for flexibility and innovations, based on our collective experience and expertise. These innovations are tailored to the PPD.

Chapter 3. By the Numbers: Trends and Patterns in Officer-Involved Shootings in Philadelphia

This chapter presents a descriptive analysis of officer-involved shootings (OIS) in Philadelphia involving Philadelphia Police Department (PPD) officers from 2007 to 2013. It lays the groundwork for understanding the prevalence and nature of OISs in the city. The analysis presented here has implications for PPD training, policy, and investigations. However, we do not conclude with a series of findings and recommendations. Rather, this chapter stands as an informative review of our findings. We use the data throughout the remainder of the report to inform findings and recommendations as appropriate. We frame our analysis around when, where, who, and how. In doing so, we present a comprehensive examination of the time and location of OISs. We also examine the individuals involved, officers and suspects, and the dynamics of the encounters. We give special attention to the issue of race and threat perception, examining these factors both independently and together.

OIS defined

Before describing the characteristics of OIS incidents, first we must define what we mean when we write "OIS." Our data is derived from a database maintained by the PPD's Office of Professional Responsibility (OPR). The database contains all firearms discharges by any PPD employee, whether on duty or off duty, civilian or sworn. The database also contains all accidental and intentional discharges, even in cases that did not involve another human being (e.g., if a PPD employee accidentally discharges his or her firearm into a wall, that incident is included in the database). For the purpose of our assessment, we do not consider all of these incidents to be OISs. Rather, we define an OIS as any firearm discharge that meets the following criteria:

- The individual discharging the firearm is a sworn officer.
- The individual discharging the firearm may be on duty or off duty.
- The discharge of the firearm involves another human being.
- The discharge of the firearm is intentional (unless someone other than the officer was injured; discharges in which someone other than the officer was injured are also counted as OISs even if the discharge was accidental).

It should be noted that our criteria for an OIS differ from PPD's criteria. The PPD does not count accidental discharges in its OIS tally. The PPD also does not count all off-duty firearms discharges. Therefore, the tallies presented in this report and the data used in our analyses differ from those the department has provided on its website. The differences, however, are very small.

When are OISs occurring?

Here we present a series of descriptive statistics, all of which have to do with time, frequency, and OISs. By *time*, we mean years, months, days of the week, and times of the day. The purpose of this analysis is to identify (a) the frequency of OISs, (b) whether OISs are increasing, decreasing, or remaining the same, and (c) whether OISs tend to occur more frequently during certain periods of the day, week, month, or year.

From 2007 through 2014, PPD officers were involved in 390 OISs. The average from 2007 to 2014 was 49 OISs per year. Table 1 provides detailed figures on annual OISs as they fit our criteria. Very few OISs (n=5) occurred as the result of an accidental discharge. Most OISs have been intentional, on-duty incidents. The annual number of OISs has fluctuated considerably. Relatively high OIS years include 2007, 2009, and 2012, when the department was involved in 62, 63, and 58 OISs respectively. In 2014, the department had 30 OISs the fewest number of incidents in our study period.

Table 1. PPD OISs by duty status, intent, and year

Duty status	Intent	2007	2008	2009	2010	2011	2012	2013	2007–2013	2014	Total
On duty	Intentional	60	38	59	45	40	58	42	342	28	370
	Accidental/ injurious	0	0	2	0	0	0	0	2	1	3
Off duty	Intentional	2	4	2	5	4	0	2	19	1	20
	Accidental/ injurious	0	0	0	1	0	0	0	1	0	1
All	All	62	42	63	51	44	58	44	364	30	390

Figure 1 illustrates PPD OISs as monthly counts. By examining monthly counts, we increase the number of data points and can, therefore, better discern any trends. The PPD generally has more than one OIS per month. In the past seven years, there have been only two months in which there were no OISs—June 2007 and August 2010. The most OISs in a single month came in May 2013, when the department had 11. Examining the month-specific rates of OISs shows that the first five months of the year, January through May, have the most OISs on average, ranging from 5.4 (in March) to 4.9 (in February and April). The lowest points for OISs have been June and August.

On average, the PPD had 4.3 OISs per month between 2007 and 2013. In 2014, the department averaged just 2.5 OISs per month, which is significantly lower than past years. The trend line in figure 1 highlights a dramatic decline.

Figure 1. PPD monthly OISs

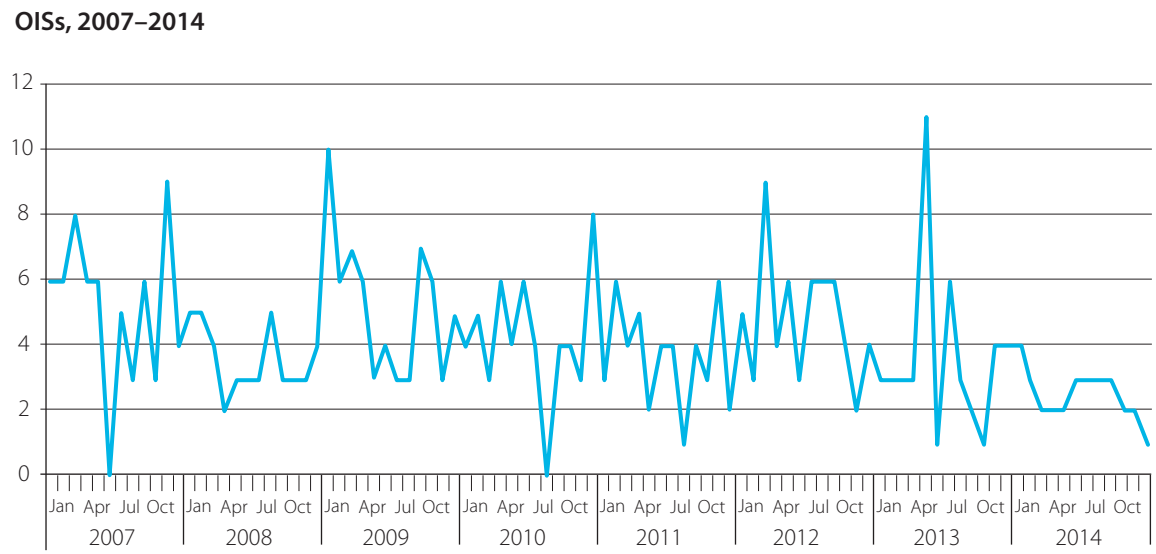
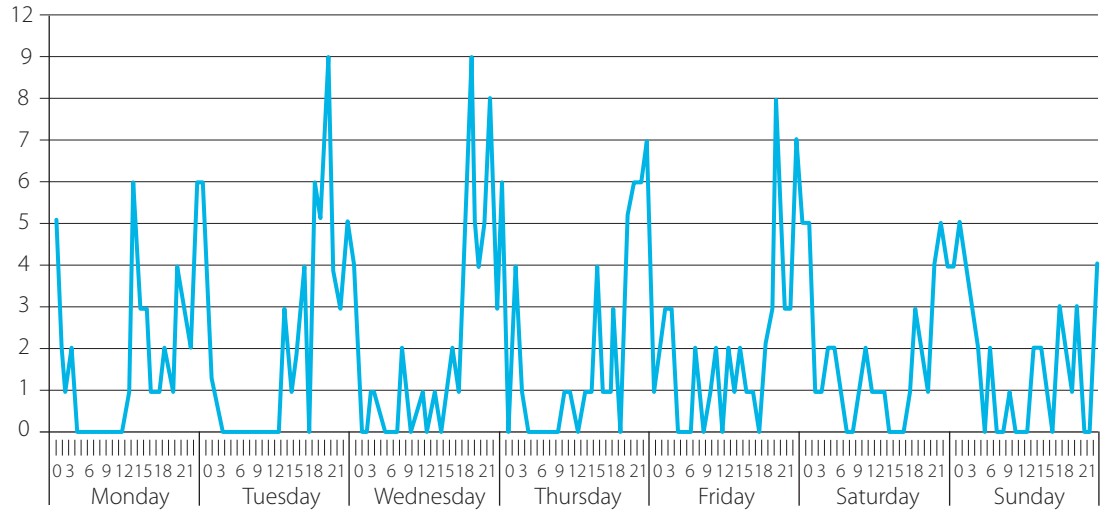


Figure 2 illustrates the total number of OISs by day and time over the past seven years. The figure is designed to illustrate a fluid week.[8] OISs occur most frequently at nighttime and on the weekends. The largest cluster of OISs exists between 8 p.m. and 12 a.m. While representing just 17 percent of time available in a day, nearly half (49 percent) of all OISs occurred in this timeframe. Distinctive spikes in figure 2 illustrate this pattern. Monday has the lowest tally (n=47) and Tuesday has the highest (n=57). The other days of the week range from 50 to 55 OISs.

Figure 2. PPD OISs by day and time



8. Because PPD's shooting database defaults to 12:00 a.m. when there is no time entered, we removed all 12:00 a.m. OISs from our analysis to account for any potential over-counting. Doing so removed 45 cases from our analysis.

Where are OISs occurring?

The PPD divides the city into 21 police districts, each of which is under the command of a captain. Here we present an analysis of where OISs occur in Philadelphia, using police districts as our unit of analysis. Table 2 shows the number of OISs per district from 2007 through 2013.[9] It shows that OISs are not evenly distributed throughout the city. The 22nd and the 25th districts have experienced the most OISs, with 57 and 44 respectively.

Table 2. PPD OISs per district, 2007–2013

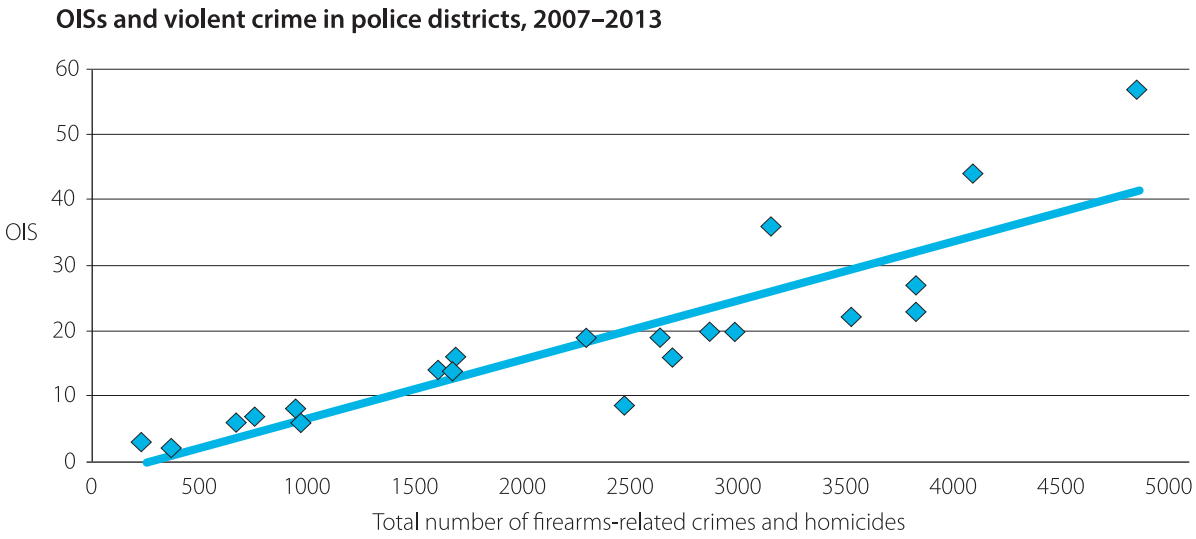
District	2007	2008	2009	2010	2011	2012	2013	Total
1	1	0	3	3	0	1	0	8
2	4	2	3	2	2	2	2	17
3	5	1	1	0	1	0	1	9
5	1	1	0	0	1	0	0	3
6	1	0	1	1	0	3	0	6
7	0	0	1	1	0	0	0	2
8	2	1	2	0	1	0	0	6
9	2	2	0	1	1	0	1	7
12	5	2	3	4	0	2	4	20
14	2	4	3	1	1	3	5	19
15	3	0	4	5	4	5	3	24
16	4	2	3	2	0	1	1	13
17	3	3	2	3	2	1	1	15
18	2	1	5	4	1	2	1	16
19	6	3	5	1	2	7	8	32
22	5	9	5	8	10	10	8	55
24	3	1	6	2	5	1	1	19
25	7	4	4	4	7	12	3	41
26	2	0	3	1	1	4	1	12
35	0	3	6	4	4	3	1	21
39	4	3	3	4	1	1	3	19
Total	62	42	63	51	44	58	44	364

To gain a better understanding of the geographic patterns of OISs in Philadelphia, we examined the patterns of violent crimes across police districts. We focused on violent firearm-related crimes and homicides as a proxy for the most violence-prone parts of the city. Specifically, we tallied aggravated assaults with firearms; robberies with firearms; and all homicides for each district between 2007 and 2013.[10, 11] As shown in

9. Complete data for 2014 was not available at the time of writing.
10. Philadelphia Police Department, "Philadelphia Police Part One Crime Incidents," Open Data Philly, accessed January 8, 2015, http://www.opendataphilly.org/opendata/resource/215/philadelphia-police-part-one-crime-incidents/.
11. Homicides are not broken out by firearm and non-firearm homicides. However, nationwide the proportion of homicides committed with firearms is around 70 percent. Therefore, we include homicides in our measure of violence throughout the city. We use present-day police districts and boundaries. Therefore, the previously existing district 4 was combined with district 3 and district 23 was combined with district 24.

figure 3, the relationship between OISs and these crimes at the police district level is significant. Districts experiencing higher levels of gun violence and homicide generally experience higher levels of OISs. The propensity for crime and violence in these areas results in calls for service and proactive police activity—thus, PPD officers are likely to have more encounters with the public in these areas, including potentially violent crime suspects. As the data suggest, this correlated with higher numbers of OISs.

Figure 3. OISs and violent crimes in PPD police districts



Who is involved in OISs?

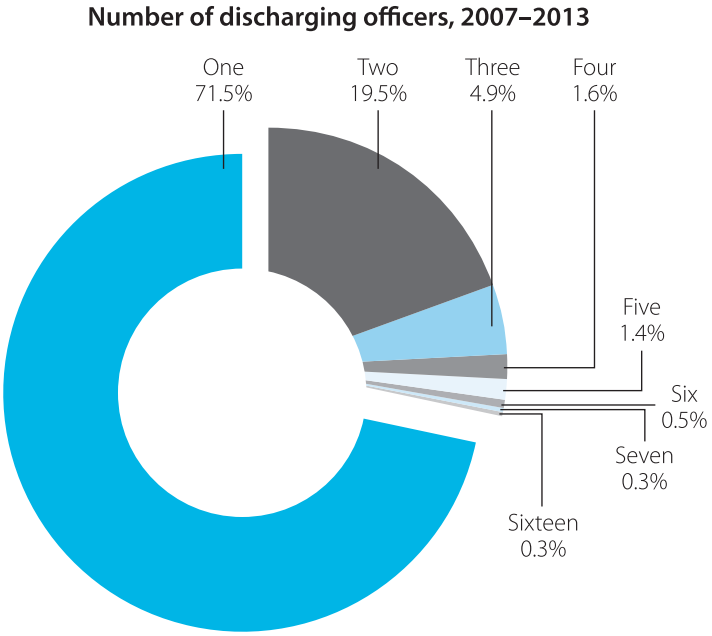
This section provides a description of the individuals involved in OISs, to include both officers who discharged their firearms and suspects. Since the data available for 2014 cases is limited at the time of writing, we limit our descriptions here to OISs occurring from 2007 through 2013.

Officers

A total of 540 officers discharged their firearms in 364 OISs. The majority (71.5 percent) of OISs involved just one discharging officer. Around 20 percent of OISs involved two officers. The remaining OISs involved between three and 16 officers.[12] Figure 4 shows the complete distribution of the number of officers discharging their firearms in OISs.

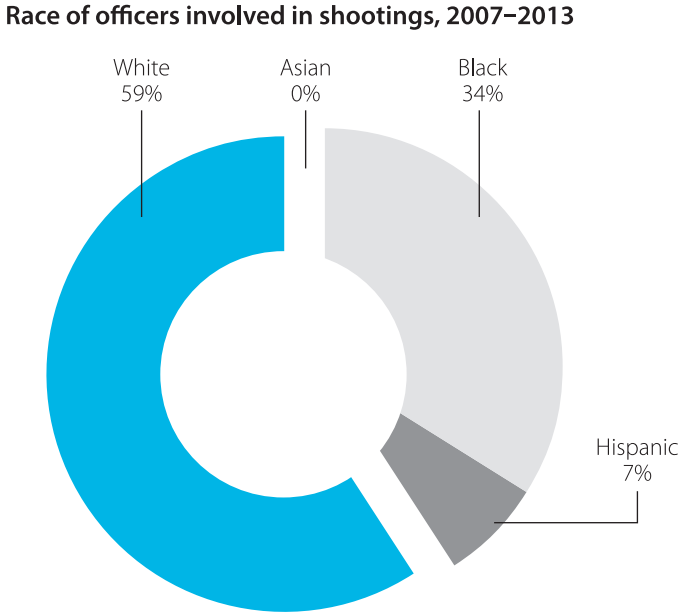
12. The incident involving 16 officers occurred in 2012 during a standoff with an armed suspect who had fired a .38 caliber revolver at motorists and buildings in the area. Responding officers established a perimeter. When the suspect moved towards the officers and fired his weapon, 16 officers returned fire.

Figure 4. Number of discharging officers per OIS



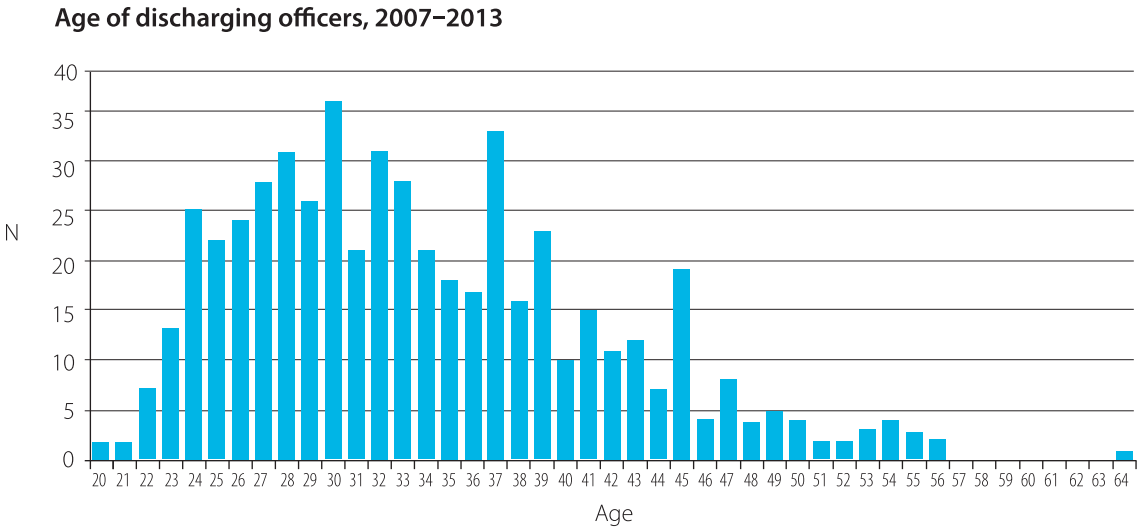
The vast majority (94 percent) of officers involved in shootings were men. The majority (59 percent) of officers were White, whereas 34 percent were Black, 7 percent were Hispanic, and less than 1 percent were Asian (see figure 5).

Figure 5. Race of discharging officers



Officers involved in shootings between 2007 and 2013 ranged from 20 to 64 years old. The average age was 33 years old. Figure 6 shows the complete distribution of discharging officer ages. The distribution is skewed slightly to the left, meaning that, of the total population of discharging officers, the most frequent ages tended to be on the younger side of the spectrum, when officers are also more likely to be in a patrol or street enforcement assignment.

Figure 6. Age of discharging officers



The majority (93 percent) of officers involved in shootings were at the rank of patrol officer. The second most frequent rank was sergeant (4 percent), followed by detective (2 percent). Other ranks involved in shootings were captains, corporals, and lieutenants, each of which were involved in 1 percent or less of OISs in Philadelphia.

Officers were mostly (78 percent) in a patrol function at the time of the OIS. If not in patrol, officers involved in shootings were most frequently off duty. Other official duties in which officers were involved at the time of shootings included highway patrol, narcotics enforcement units, SWAT, and the major crimes unit. Other units involved in OISs each made up less than 1 percent of incidents. Table 3 shows the complete distribution of PPD units' involvement in shootings. It also shows the rate of OISs per 100 officers in each unit. While patrol officers make up the greatest number of OISs, it is primarily due to their numbers on the force and their street enforcement role. Highway patrol, the major crimes unit, and the narcotics strike force had the highest OIS rates in the department.

Table 3. PPD unit OIS rates

Unit	OISs	%	OIS (annual average)[13]	Number of officers in unit (annual average)[14]	OIS rate (annual average)[15]
Patrol	424	78	61.6	3,846	1.6
Off duty	28	5	4.0	N/A	N/A
Highway patrol	27	5	3.9	73	5.3
Narcotics strike force	19	4	2.7	92	3.0
Narcotics field unit	9	2	1.3	122	1.1
Special weapons and tactics (SWAT)	9	2	1.3	56	2.3
Major crimes unit	8	1	.1	25	4.6
Traffic district	3	<1	.3	138	0.3
Detective division	2	<1	.3	434	0.1
Canine unit	2	<1	.3	27	1.1
Civil affairs unit	2	<1	.1	34	0.8
Airport district	1	<1	.1	153	0.1
Bomb disposal unit	1	<1	.1	20	0.7
Criminal intelligence unit	1	<1	.1	47	0.3
FBI task force	1	<1	.1	N/A	N/A
Homicide fugitive task force	1	<1	.1	N/A	N/A
Intensive drug investigation squad	1	<1	.1	29	0.5
Strategic intervention tactical enforcement unit	1	<1	.1	N/A	1.6
Total	540	100%	-	-	-

13. Based on average number of officers involved in OISs in each unit from 2007 to 2013.
14. Based on average number of officers in each unit from 2010 to 2013. (PPD QIST database, accessed October 23, 2014.)
15. OIS rate per 100 officers is calculated by dividing the average number of OISs by the average number of officers in each unit annually and multiplying by 100.

Of the 540 officer shooters, there are 454 unique officers. Some officers have been involved in more than one OIS in our study period. Table 4 shows the total number of OISs for all officers involved in shootings from 2007 to 2013.[16] The majority (85 percent) of officers who were involved in a shooting were involved in just one incident. Twelve percent were involved in two OISs during the study period. Three percent were involved in three OISs. Less than 1 percent were involved in four OISs.

Table 4. Officer OIS frequencies, 2007–2013

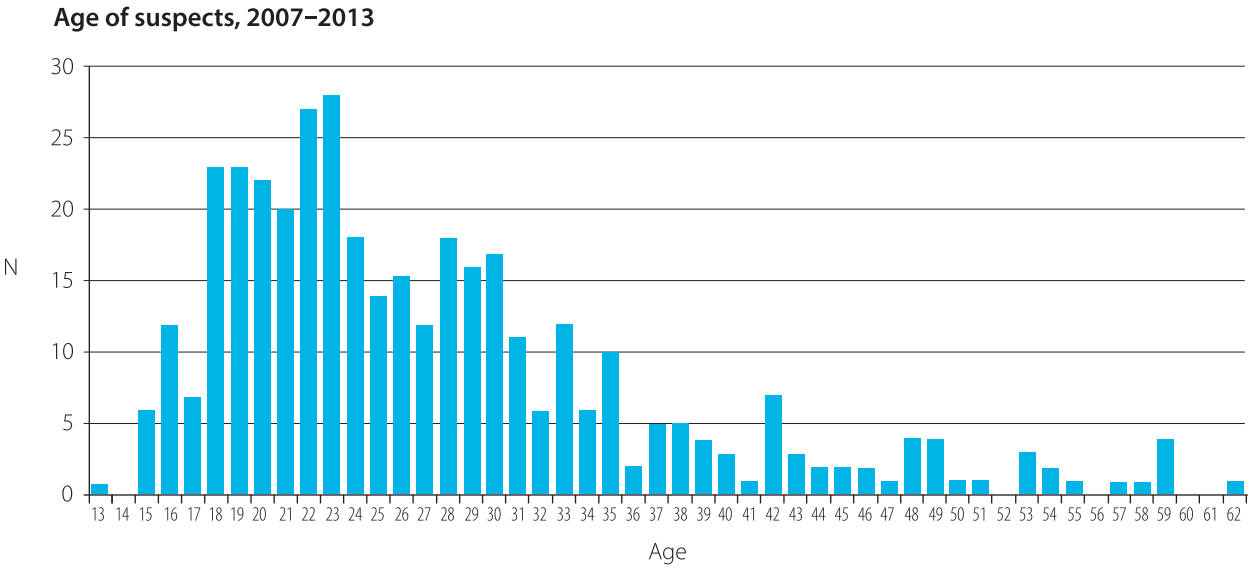
Officer OIS frequency	N	%
Involved in one OIS	386	85
Involved in two OISs	53	12
Involved in three OISs	12	3
Involved in four OISs	3	< 1
Total	454	100%

Suspects

In 364 OISs from 2007 to 2013, there were 382 suspects.[17] Officers faced one suspect in 90 percent of the incidents, two suspects in 8 percent of the incidents, and three suspects in 2 percent of the incidents. The vast majority (98 percent) of suspects were male.

On average, the suspect was 20 years old, significantly younger than the average officer. Suspects' ages ranged from 13 to 62 years old. Thirty-seven percent of suspects were between 18 and 23 years old, which accounts for the largest cluster within the suspect population. Figure 7 shows the complete distribution.

Figure 7. Age of OIS suspects



16. Because our database contains data only from 2007 through 2013, if an officer was involved in a shooting prior to that, it is not captured in this analysis.
17. For this analysis, we remove any incidents (n=1) in which there was no suspect. We also do not include bystanders who were accidentally caught in crossfire (n=5).

Figure 8 shows the complete racial composition of suspects involved in OISs. Eighty percent of the suspects were Black; 9 percent were White; 10 percent were Hispanic; and 1 percent were Asian.

Figure 8. Race of OIS suspects

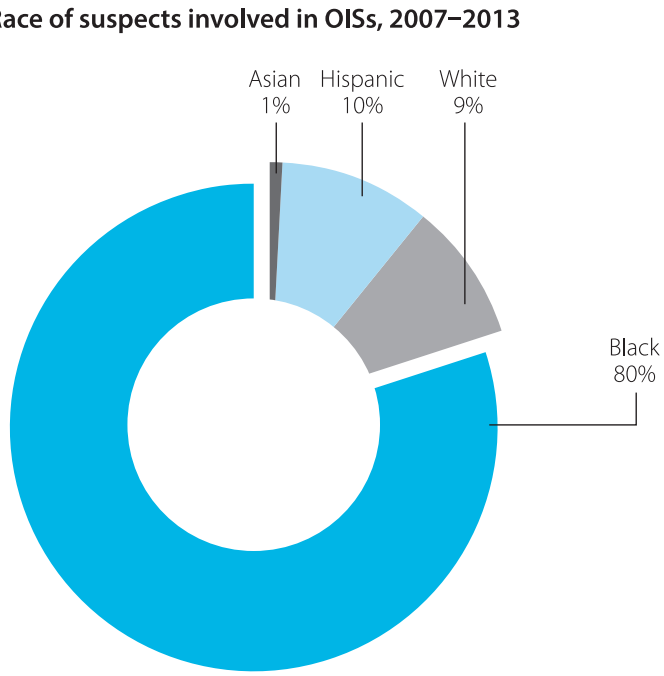


Table 5 shows the complete distribution of the weapons with which suspects have been armed. We classified whether suspects were armed as being "unknown" in any incident in which the suspect escaped, a firearm was viewed by the officer but never recovered, or a firearm was recovered inside of a home after a pursuit but not definitively tied to the incident. Even in instances in which a suspect reportedly fired shots at an officer, but no firearm is recovered, we classify the weapon as "unknown" (n=1). The ambiguity of these circumstances leads us to err on the side of caution and, therefore, warrants them being classified as unknown.

Over half (56 percent) of the suspects were armed with firearms, which includes handguns, shotguns, and rifles. About 15 percent of suspects were confirmed to be unarmed, meaning either that they were mistakenly thought to be armed (including six incidents involving toy guns) or that they were involved in a physical altercation in which the officer responded to with deadly force. Suspects used a vehicle as a weapon in about 8 percent of cases, meaning that they backed up towards, moved forward towards, or otherwise threatened an officer with a motor vehicle. Suspects had a knife or another sharp object, such as a shard of glass or a screwdriver, in another 8 percent of OIS incidents.

In 3 percent of cases, the suspect was armed with a BB gun. In another 3 percent of cases, the suspect had what was classified as a blunt object. This category included the following items: crutch (n=1); steam iron (n=1); tire iron (n=1); cinderblock (n=2); police officer's baton (n=2); stick (n =1); barbeque (n=1); stapler (n=1); and brass knuckles (n=1). In one case, the suspect was armed with the officer's electronic control weapon (ECW).

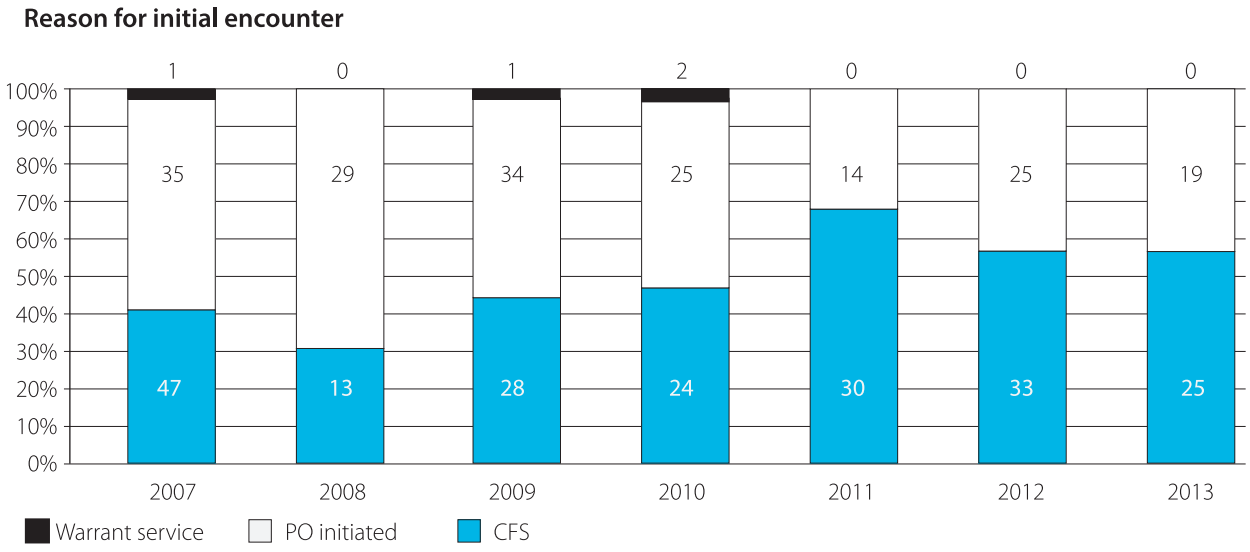
Table 5. Weapons of OIS suspects

Weapon	2007	2008	2009	2010	2011	2012	2013	Total	%
Firearm	40	26	36	30	24	32	25	213	55.8
None	5	7	11	11	5	11	9	59	15.4
Vehicle	7	2	9	4	5	5	1	33	8.6
Knife/sharp object	5	1	4	5	6	5	5	31	8.1
Unknown	2	3	3	4	4	2	4	22	5.8
BB gun	3	3	1	1	-	2	2	12	3.1
Blunt object	3	-	3	-	1	3	1	11	2.9
ECW	-	-	1	-	-	-	-	1	0.3
Total	**65**	**42**	**68**	**55**	**45**	**60**	**47**	**382**	**100**

Under what circumstances do OISs occur?

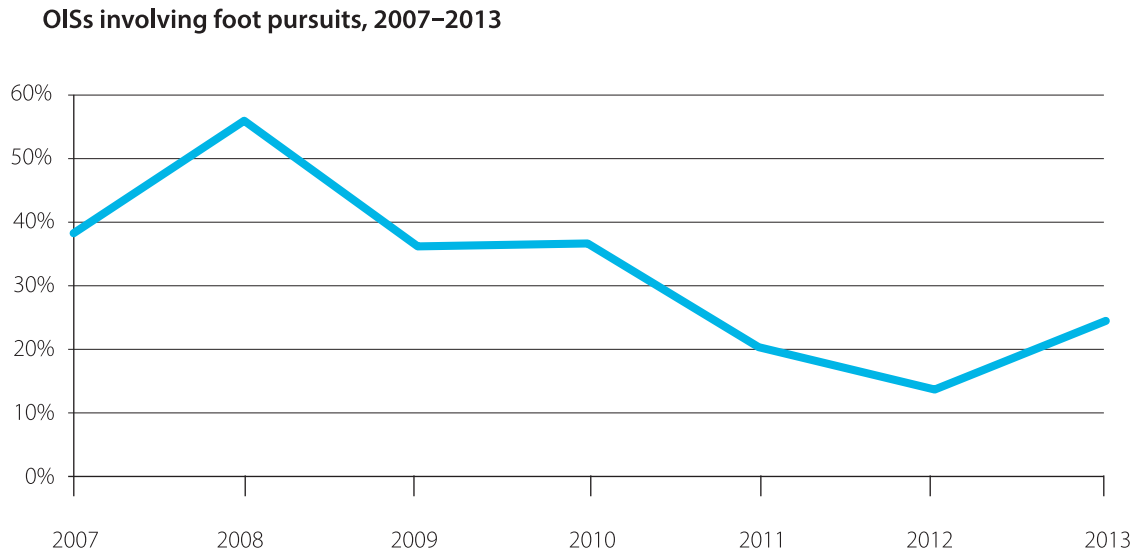
From 2007 to 2013, the officers' reasons for encountering the suspect have been split evenly between proactive, officer-initiated activities and reactive calls for service. Figure 9 shows that, over time, the proportion of OISs that resulted from officer-initiated activity has generally declined. Conversely, OISs are more likely to occur on calls for service than in proactive situations. Despite the inherent danger in warrant service, relatively few OISs have occurred while serving warrants in Philadelphia. Just four OISs (approximately 1 percent) occurred while serving warrants.

Figure 9. Reason for initial encounter



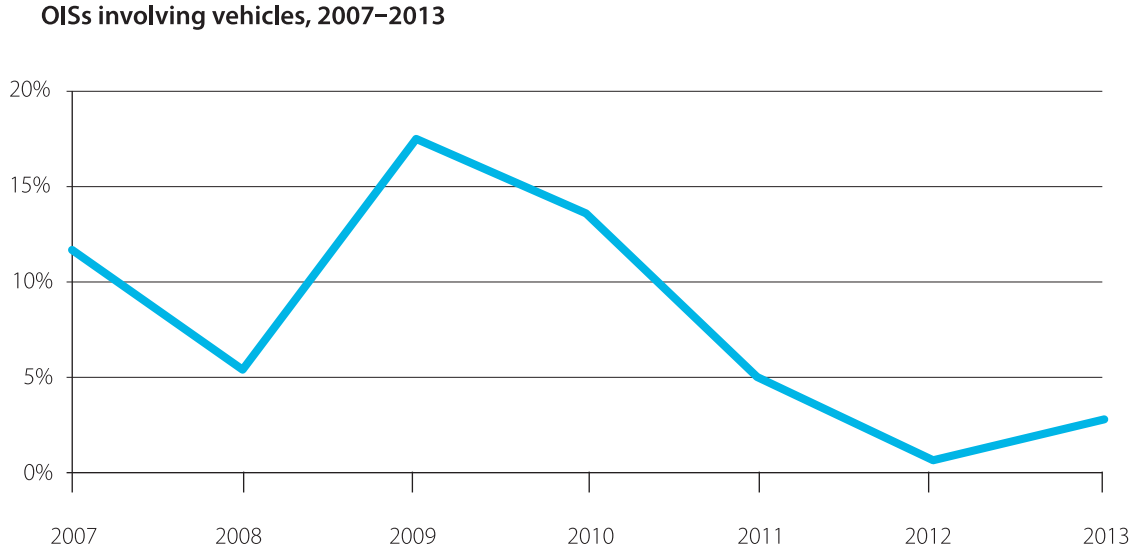
From 2007 to 2013, roughly one-third of OIS incidents involved a foot pursuit. Foot pursuits occurred both before and after the OIS occurred. Over time, the proportion of OISs involving foot pursuits has generally declined. The peak involvement of foot pursuits in OISs was in 2008, when over half of the incidents involved a foot pursuit (see figure 10). The latest available data show that 25 percent of OISs involved a foot pursuit in 2013.

Figure 10. OISs involving foot pursuits



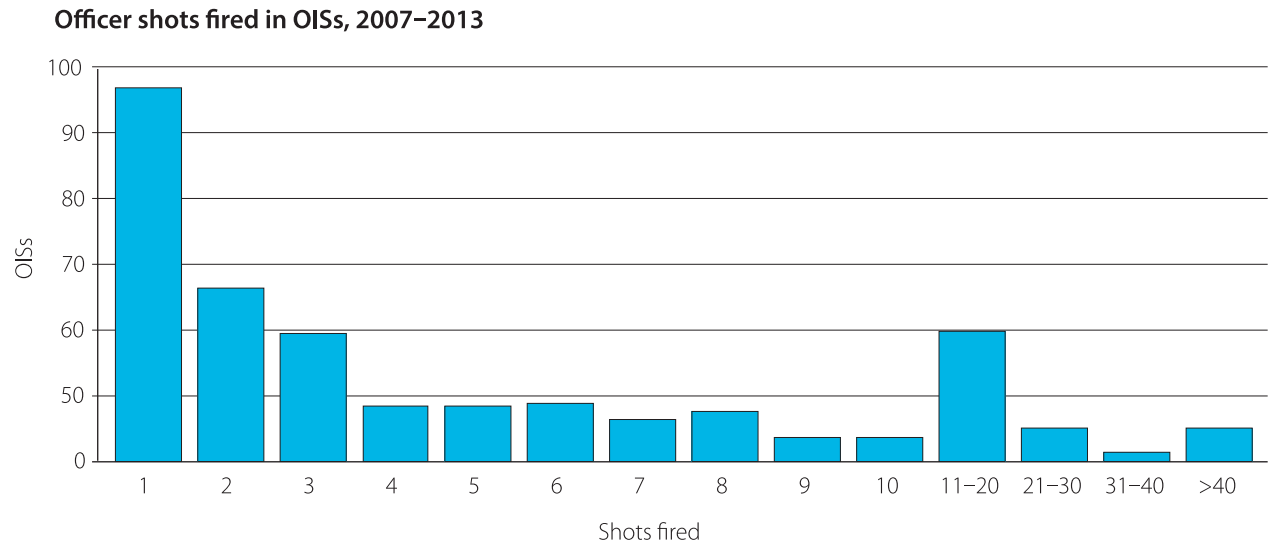
Over the seven-year study period, 8 percent of OISs involved vehicles, meaning that officers discharged their firearms at vehicles they perceived to be threatening. Shooting at vehicles peaked in 2009, when officers fired their weapons at vehicles 11 times, accounting for 17 percent of all OISs (see figure 11). That figure has declined dramatically. In 2012, PPD officers did not fire their weapon at any vehicles. In 2013, this occurred just once.

Figure 11. OISs involving vehicles



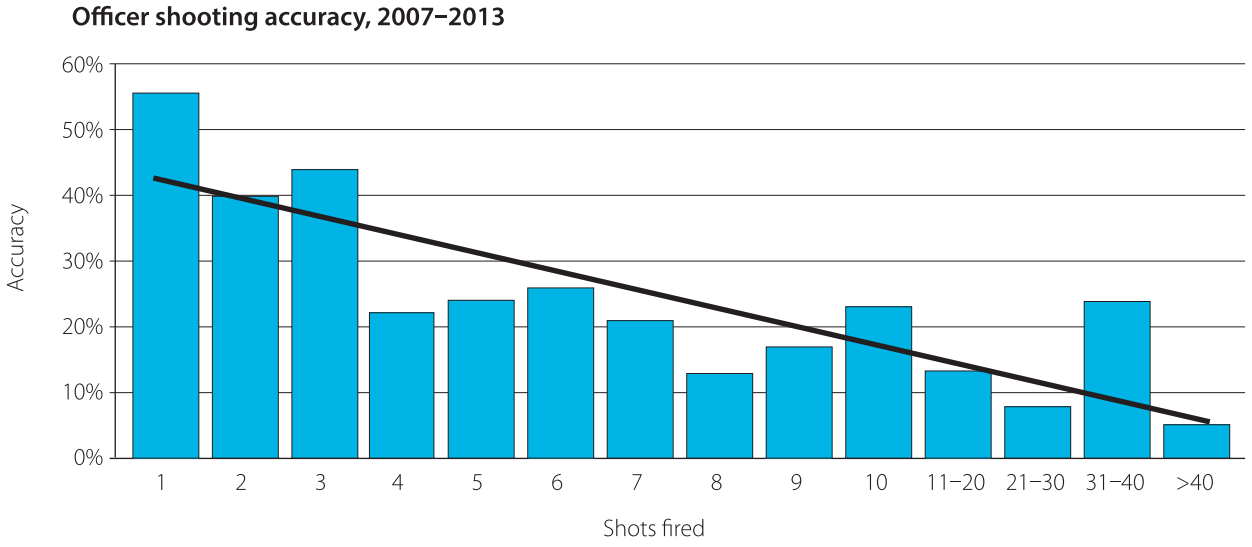
PPD officers fired an average of 6.7 shots, ranging from 1 to 85 total shots, in OIS incidents. In a plurality of incidents (31 percent), officers fired just one shot in an OIS. A quarter (25 percent) of the time, officers fired two or three shots. While a majority (56 percent) of incidents are resolved with one to three shots fired, between 2 and 5 percent of incidents are resolved with four to 10 shots fired. PPD officers fired more than 10 shots in 18 percent of OIS incidents. Figure 12 shows the distribution of shots fired by PPD officers in OISs.

Figure 12. Number of shots fired by officers



Shooting accuracy generally declines as more shots are fired. Figure 13 shows that PPD officers hit their target (the suspect) over half of the time when firing just one shot. As more shots are fired, accuracy drops significantly. Across all 364 OIS incidents, shooting accuracy for PPD officers was found to be 18 percent.

Figure 13. Officer shooting accuracy



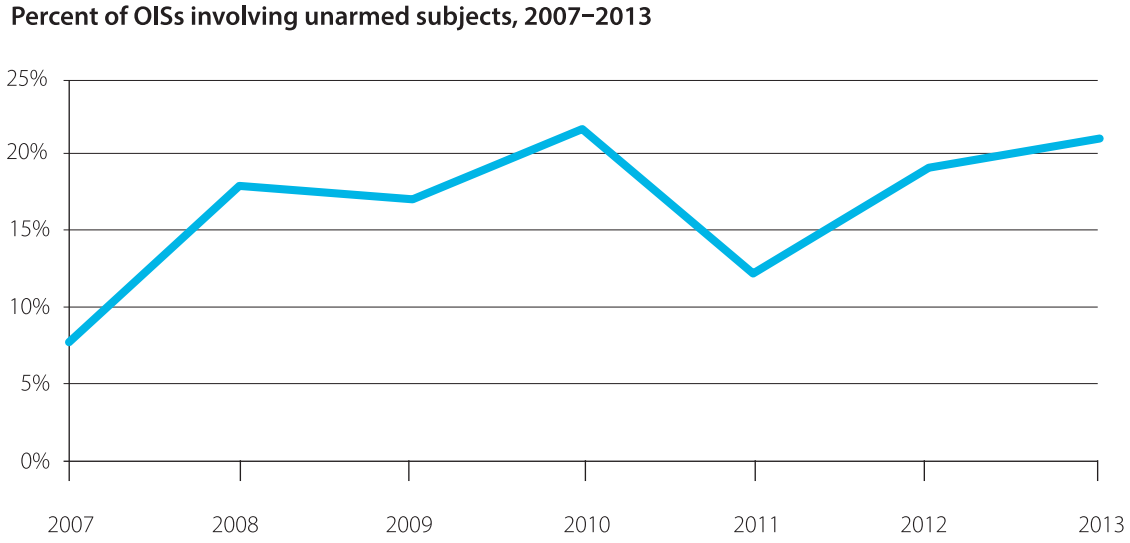
A total of 49 suspects discharged their firearms at PPD officers, accounting for 13 percent of all suspects involved in OISs. The remaining suspects brandished a firearm but did not shoot, were armed with some other weapon, or were not armed. Of the suspects who were confirmed to have been armed with a firearm, 21 percent fired shots at the officers. Data on shots fired by suspects in the PPD database were determined to be too incomplete to report on here. In all, 47 percent of suspects were injured by gunshot wounds inflicted by PPD officers; 23 percent were killed, and 30 percent were not injured. One suspect was killed by a self-inflicted gunshot wound. Six officers suffered injuries from gunshot wounds, and one officer was killed by a suspect's gunfire.

A closer look at unarmed shootings and race

The shooting of unarmed subjects is the most tragic and controversial issue in policing today. Nationally, this issue has taken center stage, with many communities protesting such incidents and advocating for police reform as a result of high profile incidents. We deconstruct this phenomenon here, as it has accounted for 59 OIS suspects in Philadelphia since 2007.

Between 2007 and 2013, the number of unarmed suspects shot at by PPD officers ranged from four to 11 annually. Accounting for the total number of OISs in each year shows that the proportion of unarmed OIS suspects has fluctuated over time (see figure 14). In 2007, just 6 percent of OIS suspects were unarmed. The most recent year of complete data, 2013, shows that 20 percent of OIS suspects were unarmed.

Figure 14. Percent of OISs involving unarmed suspects



Within the phenomenon of unarmed OIS incidents, we identified four sub-classifications as they have occurred in Philadelphia: threat perception failures (TPF); physical altercations; toy guns mistaken for real ones; and accidental discharges.

TPFs are what the law enforcement community commonly refers to as "mistake of fact" shootings. They occur when an officer perceives that a suspect is armed due to the misidentification of a nonthreatening object (e.g., a cell phone) or movement (e.g., tugging at the waistband). These cases have made up the majority (n=29) of the unarmed OIS incidents in Philadelphia.

In the second sub-classification, physical altercations, officers often report that the suspect attempted to disarm them, thereby putting them in a perilous, life-threatening position. In other cases, officers have reported being overwhelmed with physical force and incapable of defending themselves. Officers have responded to physical altercations with deadly force 20 times since 2007.

Officers mistook a fake gun or toy gun for a real one six times between 2007 and 2013. We also found three occasions in which unarmed accomplices of armed suspects were struck by PPD gunfire. Last, we found one instance in which an officer accidentally discharged a firearm and struck a suspect. Table 6 provides a complete enumeration of these cases.

Table 6. Unarmed suspects by sub-classification and year

Unarmed OIS sub-class	2007	2008	2009	2010	2011	2012	2013	Total
Threat perception failure	3	4	2	2	4	8	6	29
Physical altercation	1	2	6	5	1	3	2	20
Fake/toy gun	1	1	2	2	0	0	0	6
Unarmed accomplice	0	0	0	2	0	0	1	3
Accidental discharge	0	0	1	0	0	0	0	1
Total	5	7	11	11	5	11	9	59

Table 7 shows a complete distribution of OIS suspects according to their race and whether they were armed, using a total of 356 cases in which both the suspect's race and whether they were armed was identified. It illustrates a complex picture. Black suspects accounted for the greatest total number of OISs. This corresponds to Black suspects accounting for the greatest total number of armed (n=240) and unarmed (n=45) OIS suspects. White suspects were unarmed 8 times, whereas Hispanics and Asians were unarmed 5 times and 1 time respectively.

As a percentage of their total involvement in OISs, Black suspects were unarmed 15.8 percent of the time. White suspects were involved in significantly fewer OISs but were unarmed 25 percent of the time. Hispanic suspects were unarmed nearly 15 percent of the time, and Asian suspects were unarmed in 20 percent of incidents.

We examined the nature of unarmed OIS incidents using the sub-classifications described above. Asian suspects had the highest overall rate of being involved in a TPF; however, it is important to note that this group accounted for just 5 incidents. Among the other suspect groups, we found that Black suspects were the most likely (8.8 percent) to be involved in TPFs. White suspects were the most likely (18.8 percent) to be involved in unarmed OISs as the result of a physical altercation. Significance testing indicates that most differences across suspects' racial groups are not statistically significant. Physical altercation incidents was the only sub-classification found to have a significant difference in rates across suspect racial groups, which appears to be driven largely by the unusually high representation of White suspects; however findings of statistical significance should all be interpreted cautiously, as relatively small samples may be driving that finding.[18]

18. The relatively small sample we have for some observations, primarily non-Black suspects, necessitated the use of a relatively conservative test of statistical significance. Specifically, we use the Fisher's exact test in order to determine statistical significance in proportions across the multiple suspect racial groups. The test is appropriate for analyses in which there are fewer than five observations in any columns of a contingency table, which is the case in our dataset.

Table 7. OIS by race and armed status

	Black suspects percent (N)	Hispanic suspects percent (N)	White suspects percent (N)	Asian suspects percent (N)	Total percent (N)
Threat perception failure	8.8 (25)	5.8 (2)	3.1 (1)	20.0 (1)	8.1 (29)
Physical altercation*	4.6 (13)	2.9 (1)	18.8 (6)	0.0 (0)	5.6 (20)
Toy gun	1.1 (3)	5.8 (2)	3.1 (1)	0.0 (0)	1.7 (6)
Accomplice	1.1 (3)	0.0 (0)	0.0 (0)	0.0 (0)	0.8 (3)
Accidental	0.4 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.3 (1)
Unarmed	**15.8 (45)**	**14.7 (5)**	**25.0 (8)**	**20.0 (1)**	**16.6 (59)**
Armed	**84.2 (240)**	**85.3 (29)**	**75.0 (24)**	**80.0 (4)**	**83.4 (297)**
Total	**100.0 (285)**	**100.0 (34)**	**100.0 (32)**	**100.0 (5)**	**100.0 (356)**

* $p > .05$

We also examined the race of involved officers in TPFs to gain a greater understanding of how cross-race encounters may influence threat perception. Because multiple officers are sometimes involved in a single shooting, there are instances in which there is a multi-racial representation of officers in a single incident. For this analysis, we focus on racial dyads, isolating cases in which we had a single racial representation for the officer and the suspect in a single incident. There were 316 such cases.

A majority of officers involved in OISs were White. There were 191 OISs in which all discharging officers were White. Among these incidents, officers had an overall TPF rate of 5.2 percent. The White officer TPF rate for Black suspects was 6.8 percent. There were no TPFs among the other incidents involving White officers. Black officers had an overall TPF rate of 11.6 percent. Among incidents involving Black suspects and Black officers, the TPF rate was 11.4 percent. Hispanic officer OISs accounted for 22 incidents in this analysis. These officers had a TPF rate of 18.2 percent overall, which was the highest among all officer groups. Hispanic officers had a TPF rate of 16.7 percent when involved in OISs with Black suspects. Table 8 shows a complete breakdown of officer-suspect racial dynamics and TPFs.[19] We tested the statistical significance of the difference amongst various suspect racial groups, dependent upon officer racial groups. We found that no group of officers had a significantly different rate of TPFs amongst various suspect races. For example, the difference in the rate at which white officer OISs were TPFs was not significantly different for black, Hispanic, white, and Asian suspects. However, given our small sample of TPFs, we caution against overconfidence in this finding.

19. There are three TPF incidents represented in table 7 that are not represented in table 8 because they involved officers of multiple races.

Table 8. Officer race, suspect race, and threat perception failures

	Black suspects TPF/OIS (percent)	Hispanic suspects TPF/OIS (percent)	White suspects TPF/OIS (percent)	Asian suspects TPF/OIS (percent)	Total TPF/OIS (percent)
White officers	10/146 (6.8)	0/26 (0.0)	0/17 (0.0)	0/2 (0.0)	**10/191 (5.2)**
Black officers	10/88 (11.4)	1/3 (33.3)	0/9 (0.0)	1/3 (33.3)	**12/103 (11.6)**
Hispanic officers	3/18 (16.7)	1/3 (33.3)	0/1 (0.0)	–	**4/22 (18.2)**
Asian officers	–	–	–	–	–

Summary

This chapter provided a detailed description of the nature and prevalence of OISs by the PPD. We illuminated a number of previously unknown facts related to the phenomenon as it exists in Philadelphia. To summarize, we uncovered the following:

- OISs have fluctuated considerably since 2007, averaging around 50 per year. However, the most recent data available shows that OISs declined significantly in 2014.
- OISs are not distributed evenly throughout the city. Areas with higher levels of violence have generally seen higher levels of OISs.
- OISs tend to involve just one officer discharging their firearm; however, nearly 1 in 5 incidents involve two officers discharging their firearms.
- The average age of officers who discharged their firearms was 33 years old, which is significantly higher than the average age of suspects, which was just 20 years old.
- Most officers involved in OISs are serving in a patrol function at the time of the incident. However, accounting for the size of various operational units in the PPD, we see that highway patrol, major crimes, and the narcotics strike force have relatively high rates of being involved in OISs.
- In our seven-year study period, 15 percent of officers involved in an OIS were involved in more than one.
- OISs involving motor vehicles and foot pursuits have generally declined since 2007.
- In total, 15.4 percent of suspects shot by PPD officers were unarmed, mostly as the result of TPFs and physical altercations.

Chapter 4. Use of Force Policies

Overview

This chapter presents a review of Philadelphia Police Department (PPD) policies as they relate to deadly force. We focus on directives 10 and 22, which are the use of force policies. However, we also discuss several other directives and policies that influence officer decision making, public encounters, and critical incidents: directive 111 on crisis response and critical incident negotiations; directive 136 on severely mentally disabled persons; directive 146 on foot pursuits; and a draft directive on electronic control weapons (ECW).

Our review of these policies centered on the following characteristics: consistency with training practice and other policies; consistency with best and emerging practices, research literature, and the department's unique needs; court decisions; and the importance of officer and public safety.

The following sections present a summary of PPD directive 10, directive 22, and the department's ECW policy drafted in 2014. We conclude with 10 findings and 19 recommendations.

PPD directive 10

Directive 10 is the PPD's use of deadly force directive and was revised in May of 2014. The 16-page policy includes 10 sections:[20] policy; definitions; use of force; specific prohibitions; reporting discharges of firearms; investigation of police discharges; custody and disposition of firearms discharged by police personnel; use of force review board; discharge involving animals; and annual review.

Policy statement

The policy statement includes the following sanctity of human life statement:[21]

> It is the policy of the Philadelphia Police Department that our officers hold the highest regard for the sanctity of human life, dignity and liberty of all persons. The application of deadly force is a measure to be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed.

The policy statement continues: [22]

> Police Officers shall not use deadly force against another person, unless they have probable cause that they must protect themselves or another person from imminent death or serious bodily injury. Further, an officer is not justified in using deadly force at any point in time when there is no longer probable cause to believe the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.

Directive 10 also requires that officers give a suspect verbal warning before using deadly force, if feasible; not discharge their firearm when doing so would unnecessarily endanger innocent people; and immediately render medical aid and request further medical assistance if needed.

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20. *Directive 10. Subject: Use of Force Involving the Discharge of Firearms* (Philadelphia: Philadelphia Police Department, 2014); see appendix E on page 139.
21. Ibid.
22. Ibid.

Definitions

The definitions section defines four key concepts that are necessary to understand the policy statement:

1. Probable cause
2. Objectively reasonable
3. Imminent
4. Serious bodily injury

Probable cause is defined as the "facts and circumstances which would support an objectively reasonable belief that the officers must protect themselves or others from imminent death or serious bodily injury."[23] Notably, this is a departure from the legal definition, which sets the requirement that the police must meet before issuing a warrant, making an arrest, or doing a search.

Objectively reasonable is defined as a "Fourth Amendment standard whereby an officer's belief that they must protect themselves or others from imminent death or serious bodily injury is compared and weighed against what a reasonable or rational officer would have believed under similar circumstances."[24] The policy provides examples of relevant facts and circumstances, such as the severity of the crime, whether the suspect poses an immediate threat to the officer or others, and whether the suspect is actively resisting or attempting to evade.

Imminent is defined as "threatening, likely and unavoidable."[25]

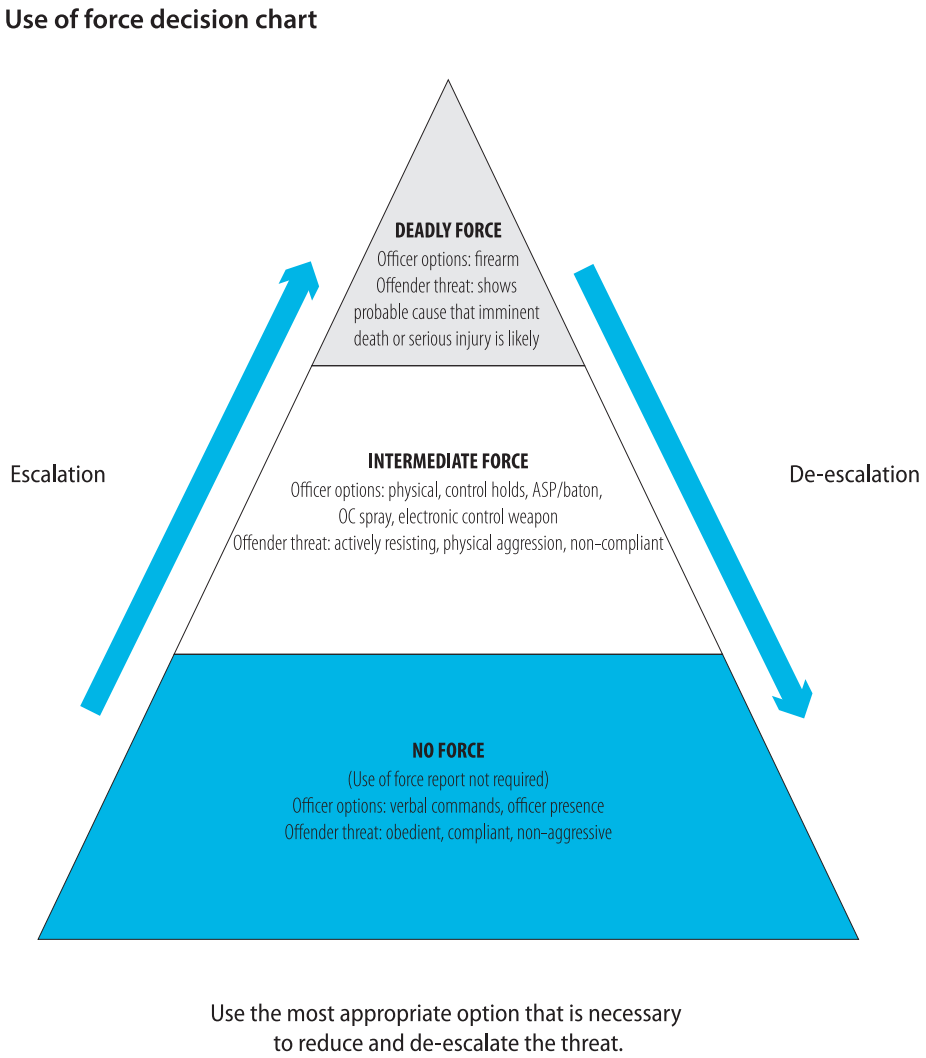
Serious bodily injury is defined as "bodily injury which creates a substantial risk of death, [or] causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ."[26]

Use of force

The use of force section contains the use of force decision chart. It begins by stating that the goal for officers in regard to using force is to "always attempt to de-escalate any situation where force may become necessary. In the event that force becomes unavoidable, to use only the minimal amount of force necessary to overcome an immediate threat or to effectuate an arrest."[27] Figure 15 shows the department's use of force decision matrix, which was newly designed for the 2014 version of directive 10. In describing the diagram, the policy states that it is the offender's behavior and threat that is the basis for the amount of force an officer should apply. The policy also states that the officer should consider the totality of circumstances, such as the altered state, mental impairment, or medical conditions of the offender or the proximity of weapons.

23. Ibid.
24. Ibid.
25. Ibid.
26. Ibid.
27. Ibid.

Figure 15. PPD use of force decision chart in directive 10



Specific prohibitions

Directive 10 lists nine prohibitions for using deadly force. Specifically, it states that police shall not

1. draw their firearms unless they reasonably believe a potential threat of imminent death or serious bodily harm exists;
2. discharge their firearms In defense of property;
3. use a firearm as a club;
4. fire warning shots under any circumstances;
5. precipitate the use of deadly force by placing themselves or others in jeopardy through overly aggressive, unnecessary, or improper actions;
6. discharge their firearms to subdue a fleeing individual who does not present a threat of imminent death or serious physical injury to themselves or another person present;

7. discharge their firearms from a moving vehicle;
8. discharge their firearms at a vehicle unless officers are being fired upon by occupants of the vehicle;
9. cock a firearm (for officers with revolvers).

PPD directive 22

Directive 22 is the department's general use of force policy. The general policy statement states:[28]

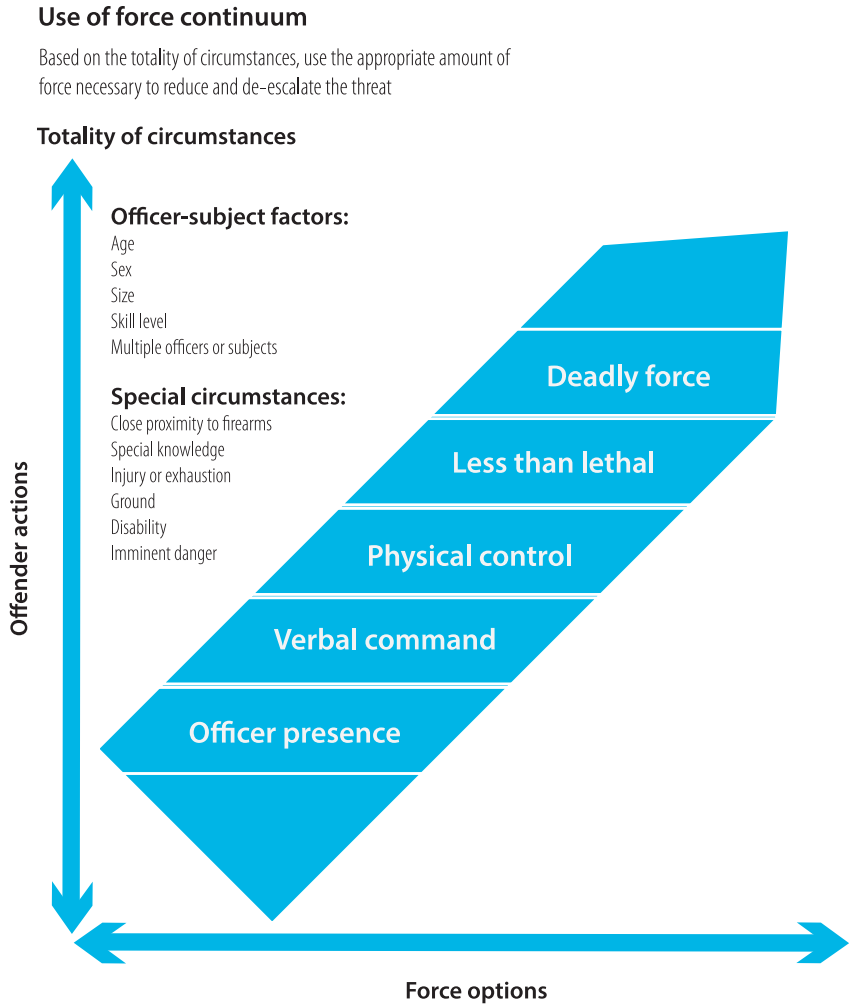
> The primary duty of all officers is to preserve human life. Only the minimal amount of force necessary to protect life or to effect an arrest should be used by an officer. Excessive force will not be tolerated. Officers should exercise all safer and reasonable means of control and containment, using only the amount of force necessary to overcome resistance.

Use of force continuum

The policy states that the application of force should be guided by the principles in the use of force continuum. The goal for police in applying the force continuum is described in the following way: "based on the totality of circumstances, use the appropriate amount of force necessary to reduce and de-escalate the threat."[29] Figure 16 shows the use of force continuum as illustrated in directive 22. It shows a continuum of officer actions: officer presence; verbal command; physical control; less than lethal force; and deadly force. Suspect actions are not described. The "totality of circumstances" is listed in a selection of officer, subject, and special circumstances. The officer-subject factors include age, sex, size, skill level, and the number of officers of subjects. Special circumstances are listed as proximity to firearm, special knowledge, injury or exhaustion, the ground, disability, and imminent danger.

28. *Directive 22. Subject: Use of Force* (Philadelphia: Philadelphia Police Department, 2010); see appendix F on page 152.
29. Ibid.

Figure 16. Officer-involved shooting (OIS) use of force continuum in directive 22



Duty to intervene

The policy states that it is the duty of every officer present at the scene of a use of force incident to either stop or attempt to stop another officer from using force when force is no longer required.

Utilizing force

The utilizing force section includes a list of appropriate actions for officers to take when applying the force continuum. For example, officers are to evaluate the situation; establish control of their firearm; and provide warning to the subject, if possible. If an officer uses physical force, they are to coordinate tactics with other officers, use the minimum amount of force necessary, and target preferred striking areas. After using force, officers are to notify a supervisor; check for injuries; render or request aid as appropriate; and prepare the appropriate paperwork. In addition, specific prohibitions are listed. These include sitting, kneeling, or standing on a subject's back or chest; standing on a subject's head, face, or neck area; offensively kicking a subject; and transporting an individual in a face-down position.

Electronic control weapons

As current practice, the PPD issues ECWs to all officers who complete crisis intervention training (CIT). At the end of the CIT program, officers complete additional training on how and when to use the weapon. The department believes that CIT will provide officers with the verbal skills needed to de-escalate a situation without having to resort to force, thereby lessening the use and impact of ECWs, particularly on vulnerable populations. Approximately 1,800 PPD officers have been issued ECWs at this time.[30]

ECW policy

PPD's current ECW policy is included as an appendix to directive 22. A new stand-alone policy, however, was drafted in 2014 and is pending approval. We summarize the newly drafted policy here. (We do not list explicit policy prescriptions because the policy is not official.)

According to the ECW policy statement, "It is the policy of the Philadelphia Police Department to use only reasonable and necessary force to overcome the resistance put forth by individuals who are violent, exhibiting threatening behavior, or physically resisting arrest. All ECW training will conform to this policy."[31]

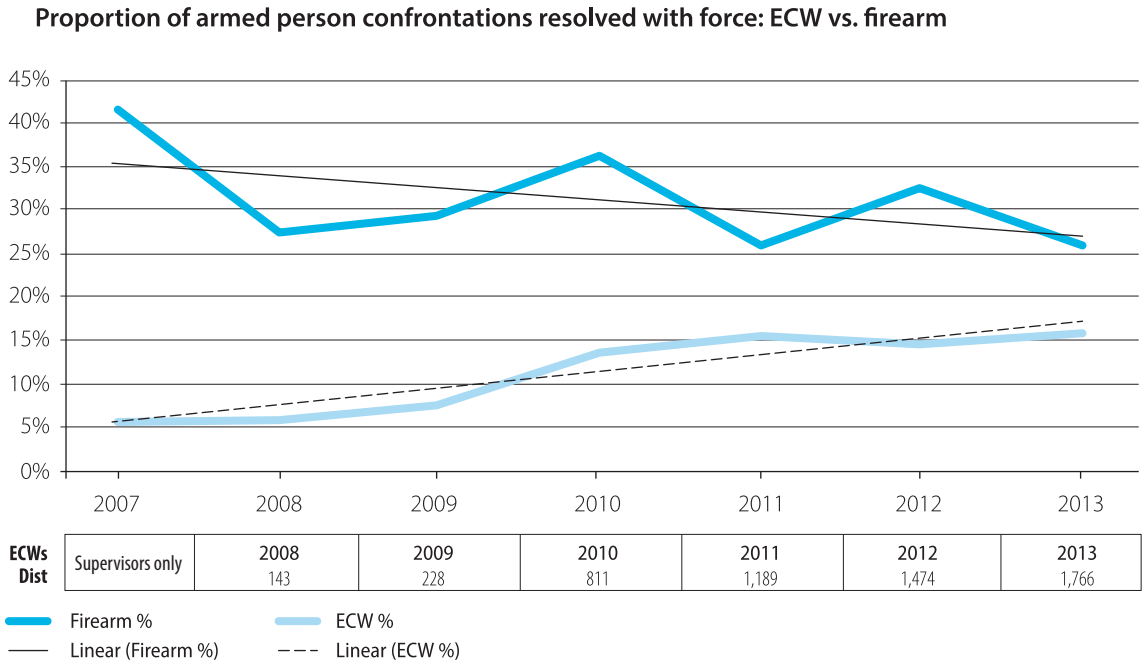
The policy continues with several definitions, most of which apply to the different parts and nomenclature associated with the weapon. The policy describes the appropriate protocol for activating the weapon, post-deployment procedures, and general maintenance of the weapon. It also includes a comprehensive list of prohibitions.

Distribution of ECWs in the PPD

We reviewed all PPD use of force incidents between 2007 and 2013 where PPD officers faced an armed person or someone who had discharged a firearm. There were 948 such incidents. We found that as more ECWs have been distributed throughout the department, the likelihood of deadly force being used against armed persons has generally declined while the use of ECWs has generally increased. This analysis offers additional support for the notion that ECWs can supplant firearms as a tool of last resort when facing armed persons. Figure 17 shows the proportion of armed-person confrontations that were resolved by use of ECWs and firearms from 2007 to 2013. Linear trend lines illustrate declining firearm use and increased ECW use over time.

30. CNA interviews.
31. *Draft ECW Policy* (Philadelphia: Philadelphia Police Department, 2014).

Figure 17. Proportion of armed person confrontations resolved with ECWs versus firearms



Findings and recommendations

Finding 1

PPD officers do not receive regular, consistent training on the department's deadly force policy.

Based on our interviews and focus groups with sworn personnel in the department, we detected a divergence between PPD officer perspectives and PPD policy on the appropriate use of deadly force. This was most pronounced in our interviews with recruit graduates, patrol officers, and sergeants. Officers we interviewed throughout the department believed that being in fear for their life was sufficient justification to use deadly force while mostly neglecting the objectively reasonable standard set forth in PPD policy and *Graham* v. *Connor*. The dictum "in fear for my life" was the most common theme throughout all of our conversations with PPD officers and sergeants regarding deadly force policy. Yet, notably, the word "fear" does not appear in PPD directive 10 nor is it supported by current case law. As noted in the Ninth Circuit's decision in *Deorle* v. *Rutherford*, a simple statement that an officer is in fear for his life is not an objective factor.[33–35]

According to PPD directive 10, justification for use of deadly force is far more restrictive than "fear for my life." An officer must have a set of facts and circumstances that a reasonable or rational officer would determine would likely result in unavoidable death or serious injury in order to justify the use of deadly force.[35] Although PPD officers are briefed on use of force law and policy annually through a portion of firearms training, neither of these courses covers PPD policy in depth.

32. *Deorle* v. *Rutherford*, 272 F. 3d 1272 (2001).
33. James Marker, "Teaching 4th Amendment-Based Use-of-Force," *AELE Monthly Law Journal* 7 (July 2012), http://www.aele.org/law/2012all07/2012-07MLJ501.pdf.
34. Although the PPD is not within the Ninth Circuit's jurisdiction, the court's decision provides a valuable illustrative point.
35. Philadelphia Police Department, *Directive 10* (see note 20).

The last time that PPD officers received legal updates with special attention given to deadly force was in 2010 through a mandated Municipal Police Officer Education and Training Commission (MPOETC) course. However, even in this instance, the course was designed to benefit officers throughout the state of Pennsylvania, and as such, its focus was broadly on use of force in law enforcement and not specific to PPD directives.

In the case of PPD firearms training, the focus is on target and tactical shooting. A small portion of the training is committed to the PPD's policies. Firearm Training Unit (FTU) instructors rely on lectures for the use of force policy portion of the FTU; however, the lecture is not documented in any way. There are no guidelines, objectives, or lesson plans that detail PPD officer training on the department's use of force policies. This means that lectures can vary widely in style, substance, and length, depending on the background and level of interest of the individual trainer. Officers are required to complete a 20-question multiple-choice exam on use of force at the completion of their annual firearms qualification, yet just one question pertains to deadly force.

Recommendation 1.1

The PPD should develop a standard training module on directives 10 and 22 and require all sworn personnel to complete the training on an annual basis.

Given the 2014 revisions to directive 10, the forthcoming revisions to directive 22, and the lack of clarity among PPD officers on the parameters for using deadly force, it is essential that the department train its officers on use of force policies more thoroughly. Instructors should train students not only when and how to use force, but when and how *not* to use force and to de-escalate, verbally and tactically, if appropriate. The training module should cover the entire policy, with particular emphasis on the following topics:

- Objectively reasonable standard
- Specific prohibitions enumerated in the policy
- Use of force decision chart
- Practical applications through case studies

Existing training objectives and lesson plans for annual firearms training should be updated to reflect this new attention to policy. Exams should be revamped accordingly to ensure that officers are being evaluated on their knowledge of the policy, including the appropriate application of deadly force. Officers should spend at least two hours per year discussing the use of force policy and applying it to real-world case studies in a classroom setting. Additionally, the PPD should institute practices that reinforce this training throughout the year, such as roll-call training, awareness reports, and training bulletins.

Recommendation 1.2

The PPD should engage with officers and supervisors at the patrol level to seek their input on the clarity and comprehensibility of the department's use of force directives.

During the course of our review, we learned that the PPD's policy and planning division had conducted significant outreach to other department personnel, as part of the process to revise directive 10. However, their outreach had not included patrol officers or sergeants.[36] While the experience, expertise, and role of com-

36. CNA interviews.

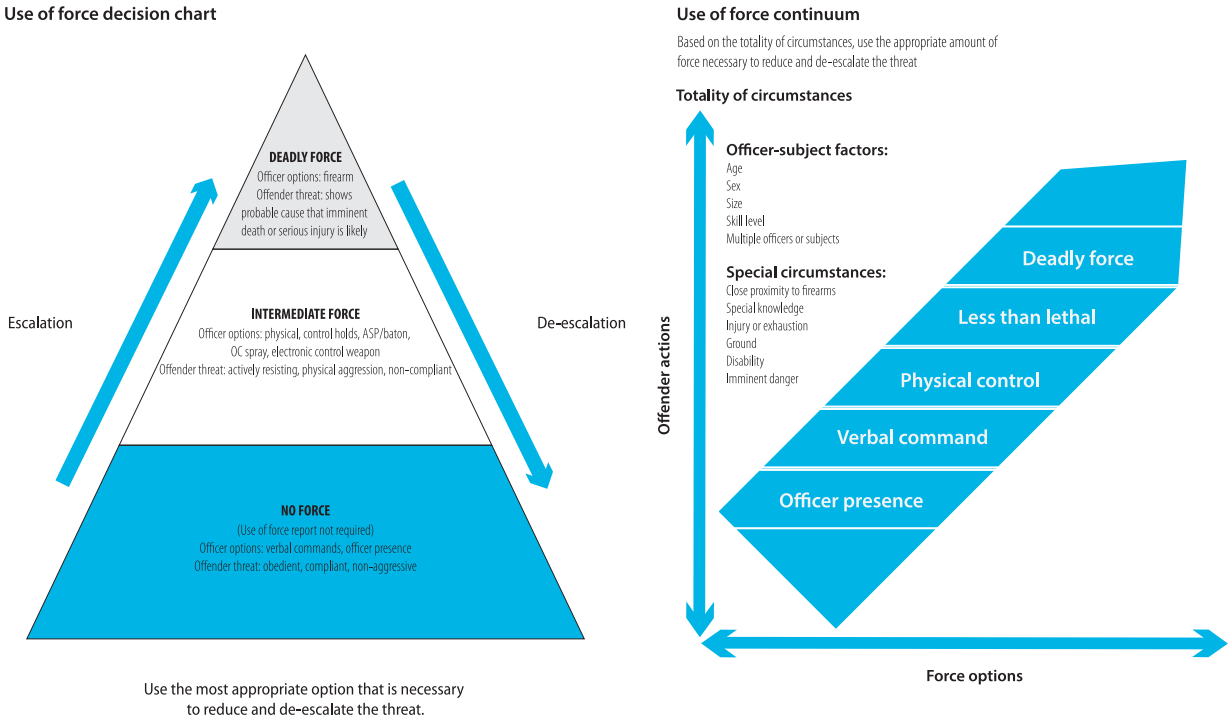
mand-level personnel makes them an essential voice in the revision of any policy, it is important to engage with the officers at the street level so that they can help shape the policy in a way that is understandable, practical, and accessible to them, as they are the most likely to apply that policy to everyday practice.

Finding 2

The PPD's use of force policies are fragmented, as are revisions of these policies. As a result, the PPD currently has two use of force models, which can be a source of confusion for officers.

At present, PPD policies and procedures related to use of force are covered in directive 22. Policies and procedures related to discharges of firearms, however, are covered in directive 10. Directive 10 was revised in 2014, whereas directive 22 has not been revised since 2010. Consequently, the directives now illustrate different use of force models (see figure 18).

Figure 18. Comparison of use of force model illustrations in PPD directives 10 and 22



Both policies include guidance on the use of deadly force. It is problematic, particularly for newer officers, that the PPD has two reference points to understand the department's use of force policy, which each use a different illustration. Likewise, each policy describes the use of force review board, but uses different terminology, dispositions, and processes.

Recommendation 2.1

The PPD should revise directives 10 and 22 at the same time to ensure the policies provide clear and consistent direction and guidance.

The PPD's policy and planning division should establish a policy of revising these directives at the same time. Furthermore, the policy should state that, when revising either of these policies, the PPD should audit each to ensure that language, guidance, and illustrations are consistent and understandable to officers on the street.

Future policy revisions to directives 10 and 22 should be accompanied by a review of all other policies and directives that are related to use of force. The PPD should identify all policies and directives that explicitly reference or are impacted by directives 10 and 22 and ensure any future policy revisions incorporate a review of these policies. A catalog of all related documents should be maintained. Related policies include, but are not limited to: directive 136 on severely mentally disabled persons; directive 146 on foot pursuits; and directive 111 on crisis response/critical incident negotiations.

The directives should be reviewed at least annually for compliance with changing laws, court precedents, emerging best practices from the field, findings and recommendations from the use of force review board, and findings and recommendations from the police advisory commission.

Recommendation 2.2

For each district unit, the PPD should designate or assign an individual who is responsible for policy and training bulletin dissemination and auditing.

In interviews, officers suggested that the position of training coordinator be created in each district and that training coordinators be responsible for timely policy dissemination and socialization of updates in their assigned district. This could be a dedicated assignment or an additional duty, depending on the size of the unit. Officers indicated that one reason it takes so long to receive updates is that disseminating them constitutes a large workload—thus, if that work is the primary responsibility of a training coordinator, updates will be disseminated in a more timely fashion.

Recommendation 2.3

The PPD should incorporate officers' acknowledgment of receipt of training bulletins and policy updates into the PPD's training record-keeping system.

Because officers' acknowledgment of receipt of policy updates is not recorded in any type of electronic records system, the PPD cannot determine how well it is keeping officers abreast of policy updates at the department level, nor can it track compliance at the individual officer level. The PPD should collect and store receipt information electronically and integrate those records with other information maintained on officer training.

Finding 3

Directive 10 is too vague in its description of use of force decision making, relying too heavily on the use of force decision chart.

The PPD's directive 10 provides the following context for understanding force options and the use of force decision chart:[37]

> The following diagram illustrates the amount of force an officer should use based on the offender's behavior and threat. It is the offender's behavior that places the officer and/or others in danger. The offender's threat is the primary factor in choosing a force option. However, the officer should also consider the totality of the circumstances to include, but not limited to, an offender's altered state due to alcohol or drugs, mental impairment, medical condition, or the proximity of weapons.

37. Philadelphia Police Department, *Directive 10* (see note 20).

This statement is appropriate and concise but does not explain why or how these factors should be considered, nor does it define any of the text provided in the chart, such as "compliant," "nonaggressive," "actively resisting," "physical aggression," and "noncompliant."[38] Furthermore, based solely on the use of force decision chart, an officer appears to be able to use any force option ranging from physical control to batons or ECWs for a subject who is either passively resistant or noncompliant. But the use of an ECW on a passively resistant or noncompliant subject would be a completely inappropriate use of force.

Recommendation 3

The PPD should update directive 10 to include additional narrative context describing the appropriate level of force to be applied under various circumstances.

The policy should provide a more detailed narrative explaining the proper use of force. This description must include definitions for all terms used to distinguish between the types of threat and response. This narrative must make a clear distinction between the permissible officer responses to the various offender threats noted in the intermediate force level. While the use of force decision chart is a helpful visual representation of the policy, it needs to be supported by a narrative description. There are many examples from police departments around the country in which the policies have a visual model and an accompanying narrative that begins with definitions of types or levels of resistance presented by subjects. The definitions are followed by a description of the types of force or control measures that officers are permitted to use in addressing each type of offender resistance. Since all officer force is predicated on the level of resistance presented by the offender, it would be logical to present it this way on the use of force decision chart. Each level of the pyramid would include both the level of offender resistance and the permitted level of officer force or control method.

In addition, directive 10 should be updated to include an explanation that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including permanent or temporary mental impairment, physical limitations, or language or cultural barriers. This discussion should be elevated to be a bullet point in the policy section at the beginning of the directive, and there should be a cross reference to any crisis intervention policies and training guides where officers, supervisors, and trainers can obtain more information on the topic of de-escalation.

Finding 4

Directive 10 uses the term "probable cause" in the context of deadly force, which is an unnecessary and confusing departure from the traditional legal definition of the term.

Directive 10 states, "Police officers shall not use deadly force against another person, unless they have *probable cause* that they must protect themselves or another person from imminent death or serious bodily injury."[39] The policy then defines probable cause as, "facts and circumstances which would support an objectively reasonable belief that the officers must protect themselves or others from imminent death or serious bodily injury."[40]

However, *probable cause* is a long-standing legal concept regarding the execution of a warrant, making of an arrest, or searching of a person or premises. For example, in the opinion of the court in *Brinegar* v. *U.S.*, probable cause "exists where the facts and circumstances within the officers' knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."[41]

38. Ibid.
39. Ibid. (emphasis added).
40. Ibid.
41. *Brinegar* v. *United States*, 338 U.S. 160 (1949).

In the vast majority of their work, PPD officers, like all law enforcement in this country, are applying probable cause to arrests and searches. However, because of the PPD's policy language, officers must shift their thinking on probable cause when confronted with a deadly force situation. The inconsistent usage of the term can be a source of confusion when applied in the field.

Recommendation 4

The PPD should remove the term "probable cause" from directive 10 and expound upon the principles of Graham *v.* Connor *to guide officers in deadly force decision making.*

The department's directive essentially defines "probable cause" as "objectively reasonable." We recommend that directive 10 adhere to the standards set forth in *Graham* v. *Connor* to guide its officers in deadly force decision making. Therefore, directive 10 could be revised to state:

> Police officers shall not use deadly force against another person, unless they have an objectively reasonable belief that they must protect themselves or another person from the threat of death or serious bodily injury. An officer is not justified in using deadly force at any point when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.

The department should also remove the term "probable cause" from the use of force decision chart and any other place it appears in the context of a use of force decision.

Finding 5

The definition of "objectively reasonable" in PPD directive 10 includes the terms "imminent" and "immediate," which can be a source of confusion for officers in the field. Notably, the term "imminent" does not appear in the *Graham* v. *Connor* decision.

The description of relevant facts and circumstances adhere to the three-prong test set forth in *Graham* v. *Connor*.[42] However, the use of the term "imminent" can serve as a source of confusion, particularly when coupled with the "immediate threat" factor enumerated in *Graham* v. *Connor*. Directive 10 defines imminent as "threatening, likely, and unavoidable." This language is vague and insufficient.

Recommendation 5

The PPD should remove the term "imminent" from directive 10.

The factors enumerated in *Graham* v. *Connor*, specifically that the officer should be facing an "immediate threat," provide a sufficient framework for officer decision making when it comes to use of force. The latest model use of force policy published by the International Association of Chiefs of Police (IACP) eliminates the term "imminent," noting that it unnecessarily requires officers to distinguish between *immediate* and *imminent*.[43]

The PPD's new definition could read:

> A Fourth Amendment standard whereby an officer's belief that they must protect themselves or others from death or serious bodily injury is compared and weighed against what a reasonable or rational officer would have believed under similar circumstances. This determination is made by reviewing all

42. *Graham* v. *Connor*, 490 U.S. 386 (1989).
43. National Law Enforcement Policy Center, *Use of Force: Concepts and Issues Paper* (Alexandria, VA: International Association of Chiefs of Police, 2006).

relevant facts and circumstances of each particular case, including, but not limited to, (1) the severity of the crime at issue, (2) whether the suspects poses an immediate threat to the safety of the officers or others, (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Finding 6

The PPD's "duty to intervene" clause in directive 22 creates a limited requirement—specifically, that officers are required to stop another officer from using force when it is no longer required. The policy is silent on whether officers are required to stop the initial use of force when it is inappropriate and on whether any such abuses should be reported.

According to directive 22, an officer is required to intervene when another officer is observed using force *after* it is no longer necessary. However, the policy neglects the duty of officers to intervene when the level of force being applied is inappropriate in the first place. Although PPD directive 114 on employees' responsibility to report corruption, misconduct, and other improper acts negatively affecting the department requires the reporting of such incidents, it is not stated clearly, nor is it referenced in the department's use of force directives.

Recommendation 6.1

The PPD's "duty to intervene" should be revised to account for any officers witnessing the inappropriate initiation of force.

Although this may be implied in the current policy, it is best that this requirement be explicit and detailed. For instance, the statement on "duty to intervene" could read as follows:

> Though many officers may be at the scene of a police incident where force is being used, some officers may not be directly involved in taking police action. As officers, we have an obligation to protect the public and other officers. Therefore, it shall be the duty of every officer present at any scene where force is being applied to either stop or attempt to stop another officer when force is inappropriately used and/or no longer required. Your actions will both protect the officer from civil or criminal liability and protect the civilian from serious injury.

Recommendation 6.2

The PPD's "duty to intervene" should be expanded to include a "duty to report."

All employees of the PPD should be required to report any misconduct, including but not limited to excessive use of force. Community members we spoke with often commented on what they perceive as a code of silence among PPD officers when it comes to misconduct.[44] Including an active requirement to report misconduct sends a message to members of the department and the community that the PPD will not tolerate complacency or outright coverups of misconduct amongst officers. The U.S. Department of Justice's Civil Rights Division has recommended that any officer witnessing misconduct report such misconduct to a supervisor.[45] We recommend that PPD officers should report excessive use of force directly to the IAD in addition to their supervisor, thereby allowing chain-of-command oversight and buy-in while including the objectivity and expertise of internal affairs investigators.

44. CNA interviews.

45. See, e.g., U.S. Department of Justice, Civil Rights Division to Gerard J. Pisanelli, June 21, 2005, "Re: Beacon Police Department," http://www.justice.gov/crt/about/spl/documents/split_beacon_ta_letter_6-21-05.pdf.

The PPD will need to identify the appropriate level of discipline for failing to report and to update its disciplinary code accordingly. Directives 10 and 22 should both include this requirement.

Finding 7

Directive 22 does not require officers to carry oleoresin capsicum (OC) spray.

The policy states that officers will "only carry departmentally approved OC spray."[46] We learned that many officers do not carry their OC spray, because they do not believe it to be effective, based largely on anecdotal stories shared throughout the ranks. By not carrying OC spray, PPD officers are not availing themselves of a valuable tool that could enable them to gain compliance without injury or the enhanced danger of going "hands-on" with a suspect.

Recommendation 7

Directive 22 should state that officers are required to carry OC spray on their duty belt at all times while on duty.

Empirical studies have consistently shown OC spray to be an effective tool in both gaining compliance and reducing officer and suspect injuries.[47] The PPD should revise its policy and make a clear statement that carrying OC spray is required at all times while on duty. Supervisors should include OC spray in periodic inspections of their officers at roll call and while on duty. Officers who are shown to be out of policy on more than one occasion should be subject to a formal reprimand.

Finding 8

The PPD requires officers to complete CIT in order to obtain an ECW. This requirement conflates the two tactical approaches and limits the distribution of less-lethal tools throughout the department.

CIT is meant to train officers on the recognition of individuals who are in crisis (due to mental health or other temporary impairments) and then to employ de-escalation strategies, including verbal de-escalation, so that when possible, encounters with persons in a state of mental crisis can be resolved without violence. The PPD's strong linkage of this concept with ECWs sends mixed messages. For instance, many officers we spoke with referred to CIT training as "taser training" because they viewed obtaining the tool as the primary outcome of the training.[48] Our review of the PPD's use of force database is also instructive. We found instances in which "mental illness" is listed as a *reason* for using force, often being cited in instances of ECW discharges. CIT is an intensive, week-long course. An officer can be trained on the safe and proper use of an ECW, however, in considerably less time—typically ranging from four to eight hours.[49]

It is important to note that time and distance are defining factors in an officer's use of force calculus, particularly when the offender is threatening use of sharp or blunt objects and an ECW will not always be the most appropriate and safest weapon to use in response. However, the limited deployment of ECWs means

46. Philadelphia Police Department, *Directive 22* (see note 28).

47. Steven Edwards, John Grandfield, and Jamie Onnen, "Evaluation of Pepper Spray," *National Institute of Justice Research in Brief* (February 1997); Robert Kaminski, Steven Edwards, and James Johnson, "The Deterrent Effects of Oleoresin Capsicum on Assaults Against Police: Testing the Velcro-Effect Hypothesis," *Police Quarterly* 1 (1998); "The Effectiveness and Safety of Pepper Spray," *National Institute of Justice Research for Practice* (April 2003).

48. CNA interviews.

49. Geoffrey Alpert and Roger Dunham, "Policy and Training Recommendations Related to Police Use of CEDs: Overview of Findings from a Comprehensive National Survey," Police Quarterly 13, no. 3, 235–259, http://pqx.sagepub.com/content/13/3/235.full.pdf.

that half or more of the PPD's patrol officers have one fewer less-lethal tool from which to choose. Consequently, those officers may be more likely to use deadly force to overcome an immediate threat from a sharp or blunt object.

Recommendation 8.1

The PPD should decouple ECWs and CIT both conceptually and operationally.

CIT is an invaluable resource for law enforcement with much merit. It serves neither the CIT program nor the officers to strongly link CIT and ECWs in the PPD's operational planning. We encourage the PPD to continue to develop CIT skills in its officers and the department. However, training modules in ECWs and CIT should be distinct and not presented as complimentary.

Recommendation 8.2

ECWs should be standard issue weapons for all PPD officers assigned to uniformed enforcement units.

In 2011, an expert panel convened by the U.S. Department of Justice's (DOJ) National Institute of Justice (NIJ) concluded that based on existing research, ECWs posed no greater risk of injury or death than other uses of force such as baton strikes and hands-on tactics and that law enforcement need not refrain from using the weapon to place combative suspects into custody.[50] However, the panel also cautioned against excessive use, stating that all of the effects of ECWs were not fully understood, particularly related to special populations.[51]

ECWs have consistently been associated with reductions of both officer and suspect injuries.[52] Furthermore, research suggests that expanding ECW deployment throughout the department can help reduce deadly force incidents. For instance, roughly one in four officers responding to a recent survey stated they had used ECWs in lieu of deadly force.[53] Many police departments have also self-reported an agency-wide effect of ECWs on deadly force incidents.[54] And a recent experiment using simulation training showed that officers armed with ECWs were significantly less likely to resort to deadly force than those without.[55] In the PPD, the distribution of ECWs has coincided with a decreasing proportion of armed encounters being resolved with deadly force.

Given the prevailing research literature and supporting evidence from the PPD's own experience with ECW's, the PPD should make ECWs a standard issue tool for all uniformed personnel assigned to uniformed enforcement units. The expansion should be deliberately and carefully tracked, monitored, and evaluated by the department. This will require a significant investment by the department, primarily in the time of the officers and training staff, the monitoring and oversight of ECW use in the department, as well as the acquisition of ECWs. Additionally, further limitations must be put on use of the weapons, as described in recommendations 9.1 through 9.3.

50. *Study of Deaths Following Electro Muscular Disruption* (Washington, DC: National Institute of Justice, 2011), https://www.ncjrs.gov/pdffiles1/nij/233432.pdf.
51. Ibid.
52. Michael White and Justin Ready, "The TASER as a Less Lethal Force Alternative: Findings on Use and Effectiveness in a Large Metropolitan Police Agency," *Police Quarterly* 10, no. 2 (2007): 170, http://pqx.sagepub.com/content/10/2/170.full.pdf+html; Geoffrey Alpert, Michael Smith, Robert Kaminski, Lorie Fridell, John MacDonald, and Bruce Kubu, "Police Use of Force, Tasers and Other Less-Lethal Weapons," *National Institute of Justice Research in Brief* (May 2011), https://www.ncjrs.gov/pdffiles1/nij/232215.pdf; Eugene Paoline, William Terrill, and Jason Ingram, "Police Use of Force and Officer Injuries: Comparing Conducted Energy Devices (CED) to Hands- and Weapon-based Tactics," *Police Quarterly* 15, no. 2 (2012), http://pqx.sagepub.com/content/15/2/115.full.pdf+html.
53. Justin Ready and Michael White, "Exploring Patterns of TASER Use by the Police: An Officer-Level Analysis," *Journal of Crime and Justice* 34, no. 3 (2011).
54. Kyle Thomas, Peter Collins, and Nicholas Lovrich, "Conducted Energy Device Use in Municipal Policing: Results of a National Survey on Policy and Effectiveness Assessments," *Police Quarterly* 13, no. 3 (2010), http://pqx.sagepub.com/content/13/3/290.full.pdf+html.
55. William Sousa, Justin Ready, and Michael Ault, "The impact of TASERs on Police Use-of-Force Decisions. Findings from a Randomized Field Training Experiment," *Journal of Experimental Criminology* 6, no. 1 (2010): 35–55; Thomas et al., "Conducted Energy Device Use" (see note 54).

Recommendation 8.3

All PPD officers in uniformed enforcement units should be required to carry ECWs on their duty belt at all times.

The PPD does not require CIT officers to carry their ECW on their duty belt at all times. Some department personnel noted that officers with crisis intervention training do not carry ECWs because they prefer to use their verbal skills. Others noted that even when required to carry them, officers would occasionally leave them in their vehicles rather than carry them on their duty belt. They didn't like the bulkiness of the weapon or didn't see its value as a less-lethal option.

Although it is laudable that some officers favor verbal de-escalation to the point that they want to discard their ECWs, we stress the potential for this tool to resolve otherwise deadly confrontations with a lower level of force. The PPD should reinstitute the requirement that officers who are issued ECWs must carry them while on duty. Supervisors should periodically inspect officers to ensure that they are compliant. Officers who are shown to be out of policy on more than one occasion should be subject to a formal reprimand.

Recommendation 8.4

The PPD should continue to dispatch CIT officers to calls for service involving persons in a probable state of mental crisis.

Being armed with an ECW does not better prepare an officer to manage an encounter with someone in mental crisis. It should remain the policy of the PPD that CIT officers be dispatched to calls for service involving persons in a state of excited delirium or mental crisis. The PPD should also track and monitor CIT calls and evaluate the effect of CIT on critical incident response.

Finding 9

The PPD's ECW policy drafted in 2014 is not detailed enough regarding the circumstances in which use of the tool should be limited.

The newly drafted policy contains a list of definitions that are important to understanding the use and misuse of ECWs and the department's policy. It lists 11 specific instances in which ECWs may not be used. It also lists post-deployment and reporting procedures. The policy itself is designed well. However, the department should update it with additional restrictions that will help limit the potential for misuse and abuse by officers.

Recommendation 9.1

The PPD's ECW policy should limit the number of cycles used per subject to three.

The PPD's drafted policy on ECWs states:

> When activating an ECW, personnel should use it for one (1) standard cycle (a standard cycle is five (5) seconds) and should evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to multiple activations, continuous cycling, and exposure to the ECW longer than fifteen (15) seconds may increase the risk of death or serious injury. Any subsequent activation should be independently justifiable and should be weighed against other force options.[56]

56. Philadelphia Police Department, *Draft ECW Policy* (see note 31).

The policy currently provides a good cautionary note but does not explicitly limit the number of cycles used on a single subject. The PPD should limit the use of ECW in any circumstances to three cycles, equaling 15 seconds. Additional ECW cycles may have adverse effects.[57]

Recommendation 9.2

The PPD's use of force decision chart policy should clearly illustrate where using ECWs is appropriate and where it is inappropriate.

As it stands today, ECWs are positioned in the use of force decision chart such that using the tool on a noncompliant or passively resisting subject can be interpreted as an appropriate use of the weapon. However, ECWs should only be used to protect an officer or member of the public against injury from an aggressive physical altercation.

The department should update all use of force policies, use of force decision charts, and training materials with a detailed explanation of where ECWs are positioned on the chart and the various circumstances in which they can be used appropriately. The policy should also explicitly describe subject behavior that does not permit use of the weapon. Those prohibitions should include passive resistance, noncompliance, compliance, and verbal confrontation. Use of the ECW under these circumstances should be considered excessive force by the department. Officers found to use the weapons excessively should be subject to formal disciplinary action.

Recommendation 9.3

Officers who accidentally discharge an ECW and strike a suspect or nonsuspect should be required to complete a use of force report.

The PPD's current policy requires that officers who *intentionally* discharge an ECW must complete a use of force report. Accidental discharges are exempt from this requirement. If a suspect or civilian is struck in the event of an accidental discharge, the PPD should consider this a use of force and, therefore, require a report be completed.

57. Michael White and Justin Ready, "Examining Fatal and Nonfatal Incidents Involving the Taser," *Criminology & Public Policy* 8, no. 4 (2009): 865–891, http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2009.00600.x/pdf; Police Executive Research Forum, *2011 Electronic Control Weapons Guidelines* (Washington, DC: Office of Community Oriented Policing Services, 2011), http://ric-zai-inc.com/Publications/cops-p202-pub.pdf; National Institute of Justice, *Study of Deaths* (see note 50).

Finding 10

Between 2007 and 2013, PPD officers were involved in 30 OISs involving vehicles. The department's policy does not provide enough limitations on this practice.

Eight percent of all OISs between 2007 and 2013 involved vehicles. Notably, the number of OISs involving motor vehicles has declined in this time period. The PPD's policy states:

> Police officers shall not discharge their firearms from a moving vehicle unless the officers are being fired upon. Police officers shall not discharge their firearms at a vehicle unless officers are being fired upon by the occupants of the vehicle. An officer should never place themselves or another person in jeopardy in an attempt to stop a vehicle. NOTE: Barring exigent circumstances (e.g. the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence, since this has been known to result in serious injury to officers.[58]

The PPD's policy statement is appropriate; however, expounding upon it would make the statement stronger.

Recommendation 10

The PPD should amend its policy and include a stronger prohibition on shooting at moving vehicles.

The PPD should add the following prohibitions to their policy:

- Officers shall not discharge their firearms at a vehicle when circumstances do not provide a reasonable probability of striking the intended target or when there is substantial risk to the safety of innocent bystanders or officers.
- Officers shall not discharge their firearms at a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.
- A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force
- Officers shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.
- The prohibitions regarding the discharge of a firearm at or from a moving vehicle exist for the following reasons:
  - Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle;
  - Disabling the driving of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other officers or innocent bystanders;
  - Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to an officer of other person;
  - Moving to cover in order to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

58. Philadelphia Police Department, *Directive 10* (see note 20).

Chapter 5. Basic Recruit Training

Overview

This chapter provides a comprehensive assessment of the Philadelphia Police Department's (PPD) recruit academy training as it relates to deadly force. We also review the overall administration and management structure of the PPD recruit academy. Topically, we targeted all coursework that covered the following areas:

- Defensive tactics
- De-escalation
- Use of force
- Firearms

We completed numerous tasks in support of our training assessment. First, we conducted a detailed review of lesson plans for all relevant training modules. We also discussed academy training and the preparedness of new recruits in interviews with recruit graduates, line officers, supervisors, command staff, and community members.

To compare the training of PPD recruits to the training of other large agencies' recruits, we use two of the most recent national surveys conducted by the U.S. Department of Justice on the topic: the Bureau of Justice Assistance's 2007 Law Enforcement Management and Administrative Statistics (LEMAS) Survey[59] and the 2006 Census of Law Enforcement Training Academies (CLETA).[60] With these, we can compare the PPD with other agencies that have 1,000 or more sworn officers. Although the data available through these surveys are not exhaustive, they provide for several key comparisons.

Finally, we reviewed course evaluation forms from multiple academy classes. We reviewed 164 recruit class critiques from four academy classes. These evaluations were developed and distributed by the Firearms Training Unit (FTU) of the PPD and solicited feedback specific to those training activities. We also reviewed course evaluations from 24 recruit graduates, which were distributed at the end of the academy, and solicited feedback on the entire recruit experience.

The following sections provide an overview of the structure of the PPD academy and discuss relevant training modules, a police department peer comparison analysis, and a summary of recruit feedback. We conclude with a series of 11 findings and 16 recommendations.

Management and administration

The PPD academy is a 32-week program that is designed to prepare recruits for their jobs as police officers. Approximately 400 recruits took part in the PPD academy in 2013. Recruits receive a total of 1,214 hours of training during academy. Of these hours, 777 are state-mandated requirements through the Municipal Police Officer Education and Training Commission (MPOETC) and 437 are additional hours mandated by the PPD.[61]

59. *Law Enforcement Management and Administrative Statistics* (Washington, DC: Bureau of Justice Statistics, 2007).
60. *Census of Law Enforcement Training Academies* (Washington, DC: Bureau of Justice Statistics, 2006).
61. *Philadelphia Police Recruit Basic Training Curriculum* (Philadelphia: Philadelphia Police Department, December 2013).

Recruit academy is delivered by two training units within the PPD. The department refers to the classroom portion of recruit training as "the academy," although the academy trains inside and outside of the classroom setting. For example, the academy trains officers in emergency vehicle operations, among other non-classroom-based instruction. The FTU conducts the other portion of training, focusing on firearms. Approximately 90 percent of recruit training hours are conducted within the academy, whereas the remaining 10 percent are completed with the FTU. The sequence of courses throughout the academy generally flows from the instruction of foundational skills to more complex skills. However, this is not always the case; much of the schedule is determined by the availability of instructors and space, due to overlapping academy classes. It is not uncommon for there to be as many as three basic recruit classes at the academy, each in different phases. Given these constraints, the PPD does not have a standard sequence of coursework for its recruits.[62]

Instructor requirements

The PPD has 40 academy instructors and 36 firearms instructors. All instructors must meet the following basic MPOETC requirements:[63]

- Complete a commission-approved instructor development course, possess a teaching certificate issued by the Department of Education, or have full-time employment with academic rank at an accredited college or university.
- Have five years of police experience. Five years of experience can be supplanted by four years of experience and an associate's degree or three years of experience and a bachelor's degree.

To remain certified, all instructors, general and specialized, must meet one of the following criteria once every two years:[64]

- Instructor has taught in either basic training or a mandatory in-service course, certified by MPOETC, at least one time during the past two years.
- Instructor can provide documentation of qualifications in the main subject areas for which certification has been granted.

Special instructors must meet additional requirements. MPOETC lists first aid, cardiopulmonary resuscitation (CPR), firearms, physical conditioning, application of force, and patrol vehicle operations as special courses of instruction.[65] In the PPD, two categories of "special instructors" are of interest in our assessment: defensive tactics instructors (DTI) and firearms instructors. DTIs are required to complete an instructor development course and training which demonstrates expertise as a defensive tactics instructor according to MPOETC.[66] Firearms instructors must possess a current police firearms instructor rating from one of the following entities: the National Rifle Association (NRA), the Pennsylvania State Police, the Federal Bureau of Investigation (FBI), the Smith and Wesson Academy, the Philadelphia Police Academy, or the U.S. Secret Service.[67] MPOETC also allows for other certifications upon approval by the commission.

62. CNA interviews.
63. 37 Pa. Code § 203.72 (effective December 21, 1996).
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.

Peer comparisons

In table 9, we compare the management and administration of the PPD's recruit academy with the academies of other agencies with 1,000 or more sworn officers. The PPD's academy training practices are generally like those of other large agencies. In some instances, they exceed their peers. The total number of academy hours in the PPD significantly exceeds the number of hours reported by other large agencies. PPD instructors generally must meet a higher threshold of experience in order to be certified compared to the average of other large agencies. However, while most large agencies reportedly provide refresher training to their academy instructors, this is not the case in the PPD. PPD instructors tend to remain certified by remaining active instructors.[68] Last, like most other large agencies, instructors are evaluated by supervisors and students but not peers.

Table 9. PPD peer comparison on academy management and administration

Training variable	PPD 2014	Comparison agencies (1,000+ sworn)	Comparison agency source
Total academy hours	1,214	1,031	LEMAS
Minimum experience (years) for instructors	3–5	2.6 (avg.)	CLETA
Refresher training provided to instructors	No	76%	CLETA
Students evaluate instructors	Yes	90%	CLETA
Peers evaluate instructors	No	39%	CLETA
Supervisors evaluate instructors	Yes	80%	CLETA

Academy training

We identified several courses completed at the PPD academy that are intended to prepare officers to make sound decisions regarding public encounters and use of force. In this section, we review courses related to the following topics: defensive tactics; de-escalation; use of force policy and law; and community policing.

Defensive tactics training

Defensive tactics training plays an integral role in officer safety, preparing officers to physically defend themselves or take aggressive, resistive, and noncompliant suspects into custody while understanding the bounds in which they are permitted to use force. PPD academy staff describes their style of defensive tactics as a "mixed discipline."[69]

PPD recruits complete 60 hours of defensive tactics during academy—far more than the 36 hours mandated by the state.[70] The training is a combination of PPD-designed coursework and MPOETC designed coursework. The department strives to have a 5-to-1 instructor/student ratio during defensive tactics instruction; during our observation, the ratio was roughly 6 to 1. Each instruction block focuses on techniques that are designed to be simple, practical, and effective. The stated objectives of basic defensive

68. CNA interviews.
69. Ibid.
70. "Section V-C: Tactical Self-Defense," Basic Recruit Curriculum (Philadelphia: Philadelphia Police Department, 2004).

tactics training are to instill confidence in the officers and train them in self-protection, control tactics, and avoiding pitfalls.[71] According to the department's defensive tactics training guide, recruits are taught the basics about "personal weapons," meaning their hands, heads, knees, feet, and elbows.[72]

Defensive tactics is mostly hands-on but also includes an eight-hour course, titled *Use of Force in Law Enforcement*. The course covers use of force legal issues and the use of force continuum. Class instruction focuses on the various situations in which force might be used, the consequences of using force, and the parameters for using force. Topics include the following:[73]

- Differences between deadly and nondeadly force
- Consequences of unlawful use of force
- Situations and justifications in which a police officer may be called upon to use force
- Major ethical issues
- Lawful use of force
- Constitutional basis of rules regulating the use of force to effect an arrest
- Definitions of terms "bodily injury," "serious bodily injury," "deadly force," "use of a dangerous weapon," and "armed with a dangerous weapon"

The course presents relevant case law, most prominently *Graham* v. *Connor*, *Tennessee* v. *Garner*, *Brower* v. *Inyo County*, and *Jones* v. *Chieffo*. In addition, Pennsylvania state code is presented as a legal framework for understanding when officers can and cannot use force. Recruits are taught that the following elements are to be considered in their force decision calculus: ability, opportunity, imminent danger, and options. The lesson plan presents a "Confrontational Force Continuum," along with a visual graphic that aligns suspect actions with the officer's response. Recruits are instructed that as officers they must escalate accordingly and de-escalate when the suspect ceases resistance.

Last, two case studies are provided in the course workbook. Recruits break into small groups to read and discuss the cases. Notably, both case studies are justifiable deadly force incidents.

At the completion of defensive tactics training, recruits are tested on a total of 24 defensive tactics. They must demonstrate proficiency in 18 in order to pass with a score of 75 percent. Recruits are tested on the topics of chokes, throws, take-downs, kicks, exertion and control, stances, baton strikes, weapon retention, armed defense, and falls.[74]

Peer comparisons

Table 10 presents a comparison of the PPD academy's defensive tactics training with that of other large agencies. Although PPD recruits complete more hours of defensive tactics than what is mandated by the state, the allotment of hours is still fewer than the average of other large agencies. The PPD trains similar tactics with a few exceptions. For instance, the vast majority of large agencies include "speed-cuffing" techniques and "ground fighting" as part of their defensive tactics training, whereas the PPD does not. Conversely, most large agencies do not train recruits in the use of neck restraints, whereas the PPD does.

71. *Recruit Officers' Tactical Self Defense Training*, (Philadelphia: Philadelphia Police Department, n.d.).
72. Ibid.
73. *Use of Force in Law Enforcement* (Philadelphia: Philadelphia Police Department, n.d.).
74. Philadelphia Police Department, *Recruit Officers' Tactical Self Defense Training* (see note 71).

Table 10. PPD peer comparison on academy defensive tactics training

Training variable	PPD 2014	Comparison agencies (1,000+ sworn)	Comparison agency source
Defensive tactics hours	60	70 (avg.)	CLETA
Defensive tactics includes weapon retention tactics	Yes	100%	CLETA
Defensive tactics includes pressure point controls	Yes	85%	CLETA
Defensive tactics includes neck restraints	Yes	39%	CLETA
Defensive tactics includes speed cuffing	No	84%	CLETA
Defensive tactics includes use of full body restraints	No	27%	CLETA
Defensive tactics includes ground fighting	No	95%	CLETA
Defensive tactics includes verbal commands	Yes	100%	CLETA

De-escalation training

We identified several courses conducted at the academy that, in part or in whole, instruct officers in the use of de-escalation. Although not all of the courses are devoted entirely to de-escalation, they each contribute to the building of skills and knowledge recruits need in order to become proficient in basic de-escalation tactics.

Coursework

The PPD academy course titled *Police Communications: Defusing and De-Escalation Techniques* focuses on de-escalation tactics.[75] This course was originally delivered to officers as part of their in-service requirements in 2011; soon after, the PPD added it to the academy curriculum as an eight-hour course. It covers essential topics in de-escalation, such as the importance of verbal communication, barriers to communication, how to identify and respond to different emotional states and personality types, nonverbal and para-verbal communications, signs of aggression, and specific de-escalation techniques. Specific de-escalation techniques include simple listening, active listening, acknowledgment, agreeing with valid points, allowing for silence, and validating the agitated person's feelings. The course also presents the crisis development model of de-escalation, which aligns specific subject behaviors with specific officer actions. The use of force continuum is presented and described in detail, while noting that "the officer must realize that the use of force continuum is fluid in nature; it is not a static checklist. As fast as the officer's actions can increase in direct relation to the subject's actions, it can and should also decrease according to the response and control of the subject and situation."[76] The lesson plan also notes the important fact that nonphysical interactions account for 97 percent of an officer's time and function. Several other factors that account for the totality of the circumstances are offered for consideration in the officer's force decision calculus, including age, sex, skill level, and number of officers or subjects present.[77]

75. *Police Communications: Defusing and De-Escalation Techniques* (Philadelphia: Philadelphia Police Department, 2011).
76. Ibid.
77. Ibid.

In addition to the communications-focused de-escalation course, recruits also complete an eight-hour course entitled *Mental Health First Aid*. The course is designed to make recruits aware of mental health issues in their community and with some members of the public they encounter. The course covers specific topics such as signs and symptoms of depression and anxiety; understanding psychosis; and understanding substance abuse.[78] PPD staff has likened this course to a condensed crisis intervention training course.[79]

Recruits also receive 23 hours of training on *crisis management*, which covers a wide range of police activities, including behavior management, dispute resolution, conflict management, recognition of special needs, and suicide barricade and hostage situations. This course focuses on tactical responses to crisis situations and PPD directive 136 on severely mentally disabled persons.[80]

Last, PPD academy recruits receive 24 hours of training on *human relations*. This coursework is designed to train recruits in perceptions of human behavior,[81] communications,[82] cultural diversity,[83] and ethnic intimidation and bias crimes.[84]

Scenarios

Course materials for the training modules listed above allow for substantial recruit participation and discussion, primarily through videos. Although videos can bring classroom concepts to life and facilitate class discussion, it is also important that instructors engage students in class exercises and scenario-based training. By "scenario-based training," we mean instances where the students can practically exercise de-escalation skills in a realistic setting. Class size and length are typically limiting factors in the use of practical scenarios. As a result, some students have limited participation.[85]

The PPD addresses the issue of recruit participation in scenario-based training in numerous ways. Instructors will informally identify recruits who have had limited exposure to practical scenario-based training and select them when the opportunity arises. In addition, the PPD has begun incorporating de-escalation training into a vehicle investigation scenario. During the academy's standard course on patrol procedures, each recruit is now required to participate in a vehicle investigation scenario twice—once as a contact officer and once as a cover officer—thereby being exposed to the range of roles and responsibilities in approaching motor vehicle stops. When recruits are not participating, they are observing. Although the scenario is not explicitly a "de-escalation" scenario, it offers recruits the opportunity to exercise a host of skills required to conduct a safe and effective vehicle investigation, including verbal de-escalation involving an agitated person. PPD academy training staff has developed the scenario in a way that it can "branch off" into various outcomes.[86]

78. National Council for Behavioral Health, "Mental Health First Aid for Public Safety," accessed January 12, 2015, http://www.thenationalcouncil.org/about/mental-health-first-aid/mental-health-first-aid-public-safety/.
79. CNA interviews.
80. *Directive 136. Subject: Severely Mentally Disabled Persons* (Philadelphia: Philadelphia Police Department, July 2000).
81. *Section X: Human Relations: A: Perceptions of Human Behavior* (Philadelphia: Philadelphia Police Department, 2000).
82. *Section X: Human Relations: B: Communication* (Philadelphia: Philadelphia Police Department, 2000).
83. *Section X: Human Relations: C: Cultural Diversity* (Philadelphia: Philadelphia Police Department, 2000).
84. *Section X: Human Relations: D: Ethnic Intimidation/Bias Crimes* (Philadelphia: Philadelphia Police Department, 2000).
85. CNA interviews.
86. *Vehicle Investigations Scenario Training* (Philadelphia: Philadelphia Police Department, n.d.).

Recruits are evaluated on a standardized set of metrics. The metrics include radio communications, approach, environmental awareness, defusing/de-escalating techniques, communications with partner, and use of patrol vehicle positioning techniques.[87] Each metric is scored on a scale from 1 to 5, with 1 being the lowest level of performance and 5 being the highest.[88] After each team completes the exercise, academy staff debriefs the entire platoon on the team's performance based on the evaluation criteria.[89]

Peer comparisons

We compare the PPD to other large agencies on three metrics from the CLETA survey that relate to de-escalation (see table 11): the existence of a diversity course, the number of conflict mediation hours, and the use of verbal tactic scenarios. Like all other large agencies, the PPD offers a course on diversity. The PPD also includes verbal tactic scenarios in its academy. To estimate the PPD's hours in "conflict mediation," we count all hours in two courses, *Police communications: defusing and de-escalation techniques* and *Crisis management*. Together, these two courses present 31 hours of training in what we can broadly consider "conflict mediation." This puts the PPD far ahead of other large agencies, which, on average, provide 15.9 hours of training on the topic.

Table 11. PPD peer comparison on academy de-escalation training

Training variable	PPD 2014	Comparison agencies (1,000+ sworn)	Comparison agency source
Diversity course	Yes	100%	CLETA
Verbal tactics scenario(s)	Yes	88%	CLETA
Conflict mediation hours	31	15.9 (avg.)	CLETA

Community oriented policing training

The PPD academy includes an introductory course entitled *Police, Public, and C.O.P.* Course materials do not indicate the duration of this course, but interview participants generally believed that it was from six to eight hours. Although other courses incorporate elements of community policing to varying degrees, this is the only course that is devoted to the concept.

In 2013, the PPD conducted an organizational audit on community oriented policing practices through the Community Policing Self-Assessment Tool (CP-SAT), sponsored by the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office).[90] An independent contractor surveyed 593 PPD stakeholders, including line officers, first-line supervisors, command staff, civilian staff, and community partners, on the department's commitment to community partnerships, problem solving, and organizational transformation.[91] Specifically, two survey items related to training. We provide the summary responses in table 12 below. Responses were answered on a scale of 1 to 5 (1=not at all; 2=a little; 3=somewhat; 4=a lot; and 5=to a great extent). The responses to training-specific questions indicate that survey respondents, on

87. Ibid.
88. Ibid.
89. CNA observations.
90. "The Community Policing Self-Assessment Tool," Office of Community Oriented Policing Services, accessed January 12, 2015, http://www.cops.usdoj.gov/Default.asp?Item=2673.
91. *Community Policing Self-Assessment Tool (CP-SAT) Results Report: Philadelphia Police Department* (Fairfax, VA: ICF International, 2013).

average, believe the PPD trains officers between "somewhat" and "a little" on problem solving and community partnerships. Notably, these questions do not refer directly to the recruit academy. Questions posed to command staff on recruit training indicate that recruits may be trained even less on important community oriented policing skills such as problem solving and developing partnerships.

Table 12. PPD CP-SAT training scores

Survey question	Number of responses	Average response
To what extent are officers in your agency trained in problem solving?	499	2.88
To what extent are officers in your agency training in building community partnerships?	500	2.68
To what extent does recruit field training in your agency include problem solving?[93]	17	2.29
To what extent does recruit field training in your agency include developing partnerships?[94]	17	2.18

Peer comparisons

Like all large agency academies, the PPD has a community policing course; however, it commits significantly fewer hours to community policing than other agency academies do. The average duration of community policing training for large agencies is 17 hours, whereas the PPD's course is just eight hours.

Table 13. PPD peer comparison academy community policing training

Training variable	PPD 2014	Comparison agencies (1,000+ sworn)	Comparison agency source
Community policing course	Yes	100%	CLETA
Community policing hours	8	17 (avg.)	CLETA

Recruit perspectives

In this section, we review feedback on PPD academy coursework from recruits using evaluation forms developed and distributed by the academy. The academy evaluation form included the following five areas, and included space for the recruits to comment on each:

1. Was there enough time in each individual class to teach the subject?
2. Did you like the way the program was conducted and organized?
3. Were the objectives and purpose of the program achieved?
4. If any area(s) of instruction did not provide you with adequate information to the point where you do not feel prepared for your first assignment, please explain.
5. Last, in our continuing effort to provide the most professional training possible, please take the time to reflect on the entire training program.

92. As responded to by command staff only.
93. As responded to by command staff only.

We reviewed the evaluation forms and coded all responses into the following categories:

- Strengths
- Weaknesses
- More training desired

Strengths were indicated in all responses in which recruits stated that a particular aspect of training was the most beneficial. Weaknesses were indicated in all responses in which recruits responded in the negative to any of the survey items. "More training desired" was indicated in all responses in which recruits stated they wanted more of some aspect of training. In sum, our analysis of the survey responses found that they could all be put into one of three categories: what recruits liked, what they did not like, and what they wanted more of.

The academy survey accounted for 23 academy recruits. From these recruits, we identified 36 positive comments about some aspect of training they perceived to be exceptionally beneficial. Table 14 lists all areas of training that received more than one mention. We found that, among these recruits, training in the use of radios was the most frequently cited beneficial area, followed by firearms training, and scenarios.

Table 14. Academy strengths identified by recruits

Training aspect	No.	Percent
Radio training	8	35
Firearms range	6	26
Scenarios	5	22
Car stop training	4	17
Active shooter training	3	13
Criminal procedure class	3	13
Emergency vehicle operations course	3	13
Report writing class	2	9

Recruits frequently stated they wanted more training in the same areas they found most beneficial. Table 15 lists all of the areas of training in which more than one recruit commented that more instruction was needed. The most frequently cited areas of training were radio training, scenarios, and car stops.

Table 15. More training desired by recruits

Training aspect	No.	Percent
Radio training	15	65
Scenarios	14	61
Car stop training	10	43
Physical fitness training	4	17
Domestic scenarios	3	13
Defensive tactics	3	13
Crime scene training	2	9
Narcotics training	2	9

There were just three aspects of training that recruits stated were weaknesses—i.e., that they felt negatively impacted their academy experience. Those were inconsistent or contradictory instruction, too much downtime, and the sequence of training (see table 16).

Table 16. Academy weaknesses identified by recruits

Training aspect	No.	Percent
Inconsistent/contradictory instruction	5	22
Too much downtime	4	17
Sequence of training	4	17

Firearms training

All recruits are required to complete numerous firearms training modules. Although some of the training takes place in a classroom setting, the vast majority of recruit training at the range uses hands-on exercises. All recruits are required to complete the MPOETC basic handgun qualification course in order to be certified officers. In addition to MPOETC, the department has added several tactical shooting drills that exceed the requirements of MPOETC. Academy recruit training also includes a "simunition" (nonlethal training ammunition)[94] drill, which is not a part of MPOETC requirements. In total, there are approximately 50 exercises that cover various firearms tactics, including reloading, cover and concealment, stoppages and malfunctions, survival shooting, perimeter and containment, nighttime shooting, defensive weapons shooting, engaging multiple threats, barricade shooting, and judgmental shooting.

Basic firearms training

The basic firearms course is the recruit's introduction to his or her service weapon. It covers the essentials of firearms safety, on-duty and off-duty carry, home safety, reloading, shooting fundamentals, a series of action drills, and a qualification course.[95] In all, it provides 80 hours of training, including about 35 range exercises. Among the range exercises are a basic warm-up, weak hand shooting, reactive target shooting, room entry, and a running-man target (i.e., the recruit is firing while in motion). Recruits also get a refresher on PPD directives 10 and 22 on use of force. Basic firearms training concludes with a 50-round downrange course. Recruits are required to score 75 to pass and be certified by MPOETC.[96]

Tactical and judgmental firearms course

The PPD supplements the MPOETC-required firearms training with tactical and judgmental shooting courses. These courses cover advanced firearms tactics such as engagement of multiple threats, defensive weapons techniques, threat assessment, sympathetic fire, and moving targets.[97] In total, there are 11 exercises. In addition to shooting at metal plate targets, recruits complete a number of scenarios on the firearm training simulator (FATS) machine, a computer-simulated training program. With the FATS machine, recruits engage in a video scenario projected onto a screen or wall. They use plastic "drone" firearms and make "shoot/don't shoot" decisions based on threat perception and the training they've received up to that point.

94. "Simunition" is a brand of non-lethal training ammunition. However, police departments have generally come to refer to any nonlethal training ammunition as "simunitions."
95. *Recruit Lesson Plan Outline. Instructor Cues and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).
96. Ibid.
97. *Tactical and Judgmental Lesson Plan* (Philadelphia: Philadelphia Police Department, n.d.).

Reality-based training

The department has also developed a reality-based training module using simunitions. The simulated weapons discharge small pellets, which require students to wear protective clothing and gear to protect themselves. In the latest academy, all recruits completed a reality-based training module. The purpose of the training is to "give students an understanding of the effects of high stress" and "improve decision-making ability under stressful conditions."[98] The department's lesson plan includes all of the necessary safety precautions. However, scenarios are generally developed on an ad hoc basis and not documented.[99]

Peer comparisons

Table 17 compares academy training conducted by the PPD's FTU with the corresponding training at other large agencies. The PPD's FTU devotes about the same number of hours to basic firearms skills as the other large agencies do. Also like other large agencies, PPD firearms training includes nighttime/reduced-light training, reality-based scenarios, and the use of simunitions. The PPD does not have any reality-based training related to the use of force continuum or, more broadly, use of force decision making. Based on our interviews with training staff and recruits, we do believe that the PPD's reality-based training scenario trains officers in threat perception. The PPD does not train recruits in the use of electronic control weapons (ECW) (referred to as "conducted-energy devices" in the CLETA survey) or any less-lethal firearms (e.g., bean-bag shotguns).

98. *Simunitions: Instructor Cues and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).
99. CNA interviews.

Table 17. PPD - peer comparison academy firearms training

Training variable	PPD 2014	Comparison agencies (1,000+ sworn)	Comparison agency source
Basic firearms skills hours	80	78.8 (avg.)	CLETA
Nighttime/reduced light firearms training	Yes	100%	CLETA
Reality-based scenarios for basic firearms training	Yes	80%	CLETA
Reality-based scenarios using simunitions	Yes	87%	CLETA
Reality-based scenarios for use of force continuum	No	90%	CLETA
Reality-based scenarios for threat assessment	Yes	90%	CLETA
Use of Firearm Training Simulator system	Yes	100%	CLETA
Conducted-energy device training	No	51%	CLETA
Less-lethal firearms training	No	44%	CLETA

Recruit perspectives

In this section, we review feedback on PPD academy coursework from recruits using evaluation forms developed and distributed by the FTU. The FTU evaluation form includes a checklist of 10 items and asks recruits to comment if they have selected "No" on any item:

1. Were all classroom instructors well prepared?
2. Was the course material explained thoroughly?
3. Was time allotted in the classroom to answer any questions?
4. Were the topics covered in class applied by the line instructors?
5. Were the line instructors professional when making corrections on the line?
6. Were any problems experienced during shooting addressed and corrected by the line instructor?
7. Did the line instructors contradict the classroom instruction?100
8. Was the program presented in an organized manner?
9. Was care and cleaning of the pistol explained thoroughly?
10. Were handouts distributed to the class?

In addition, the FTU evaluation form includes two open-ended questions:

1. What was the most beneficial part of the program?
2. What part, if any, of the program would you change? How would you change it?

100. Although the evaluation form asked for explanations of any "No" responses, it was understood that for this particular question, the unit was soliciting explanations for "Yes" responses, meaning if any instructors contradicted each other.

The final entry is as follows:

3. Additional comments you would like to make.

Like the academy survey described in this chapter, we reviewed the FTU evaluation forms and coded all responses into the following categories:

- Strengths
- Weaknesses
- More training desired

The FTU survey accounted for 164 recruits from classes within the past two years. The most frequently cited "strengths" were the simunitions course, followed by scenarios, then basic firearms training. Table 18 shows a complete list of strengths identified by recruits.

Table 18. FTU strengths identified by recruits

Training aspect	N	Percent
Simunitions	61	37
Scenarios	39	24
Basic firearms training	23	14
Tactical shooting	13	8
FATS	8	5
Individual attention	5	3
Simulations	4	2

Areas of the FTU that recruits most often stated they wanted more of were the simunitions course, followed by scenario training, and the amount of time at the shooting range. Table 19 shows a complete list of these training areas.

Table 19. FTU more training desired by recruits

Training aspect	N	Percent
Simunitions	77	47
Scenarios	51	31
Time at the range	16	10
Tactical shooting	14	9
Nighttime shooting	8	5
Individual attention	8	5
Simulations	5	3
FATS	4	2
Basic firearms training	3	2
Weak-hand shooting	2	1

Aspects of training that recruits believed were not beneficial or detracted from their learning experience at the FTU included too much downtime, the sequence of training, dated classroom materials, and inconsistent or contradictory instruction. Table 20 provides a complete list of FTU weaknesses as identified by recruits.

Table 20. FTU weaknesses identified by recruits

Training aspect	N	Percent
Too much downtime	27	16
Sequence of training	16	10
Dated classroom materials	15	9
Inconsistent/contradictory instructions	10	6
Poor facilities	7	4
Restricted range use outside of instruction time	6	4
Lack of professionalism	4	2

Findings and recommendations

Finding 11

PPD recruit training is not conducted in a systematic and modular fashion. As a result, some recruit classes receive firearms training close to the end of the academy while others receive it early on.

The sequence of courses throughout the academy should generally flow from the instruction of foundational skills to more complex skills. However, that is not always the case in the PPD, because much of the schedule is determined by the availability of instructors and space due to overlapping academy classes. There may be as many as three basic recruit classes at the academy in different phases of their instructional progress. Given these constraints, the PPD does not have a standard sequence of coursework for their recruits.

On occasion, recruits are training in more advanced topics much too long after or occasionally prior to completing the necessary basic coursework. This appears to be most problematic in two areas: car stops and firearms. Recruits wanted car-stop scenarios to be conducted soon after classroom instruction on car stops.[101] One of the graduating classes had a six-month lapse between classroom instruction and the scenario. Another recruit graduate commented on receiving this training in reverse order.

Similarly, firearms training may be completed towards the beginning, middle, or end of the academy depending on each class schedule. Some recruit graduates and officers commented that they would have benefited from completing some classroom-based courses, such as use of force law and policy, prior to training with the firearms training unit. Recruits also believed it was problematic that they were not permitted to use the range facilities on their own free time while they were still recruits, even with proper supervision. This could be particularly problematic for recruits who have never handled a firearm before.

Our review of feedback forms from recruits found that the sequence of training was among the areas most frequently cited as needing improvement. It was the second most frequently cited weakness we identified in FTU evaluations and the third most frequently cited weakness in general academy evaluations.

Recommendation 11.1

The PPD should revise the sequencing of its academy curriculum so that recruits are continually building on previously learned skills.

Academy training should build skill levels gradually and logically during the academy and reinforce the lessons taught throughout. The most advanced training should be conducted shortly before graduation and the subsequent patrol assignment. The sequence of training at the recruit academy should be restructured in a way that allows recruits to build their knowledge, skills, and abilities in a logical and progressive order. Coursework should also be grouped into modules. Where appropriate, there should be scenario-based training at the end of each module designed to test the knowledge and skills learned in that module and any preceding modules. For example, modules could be structured as follows:

- **Introduction to learning.** This module sets the stage for all the training that follows. It includes low-level legal aspects, simple crime scene work, customer service, first aid, community issues, and other introductory classes. The goal of this module is to expose recruits to the job and start to build the foundation for the more difficult aspects.
- **Nonemergency response.** This module includes low-stress materials such as specific legal instruction and crime investigation while beginning patrol-related activities such as street orientation and report writing.
- **Patrol activities.** This module is designed to include the more specialized aspects of the job and is the longest instructional module.

101. CNA interviews.

- **Emergency response.** This module introduces the higher-stress activities.
- **Criminal investigations.** This module is focused on the more advanced investigative tools and techniques that a patrol officer must know.
- **Academy transition.** This module prepares recruits to continue their learning into the field with a field training program.

Recommendation 11.2

Skills that require continual training and refinement, such as firearms, defensive tactics, communications, and driving, should be staggered throughout the length of the academy.

As it stands now, firearms training is conducted in its entirety in an 80-hour block of instruction. Recruits leave what they consider to be "the academy" and become immersed in what is essentially a firearms boot camp at the FTU. Instead, the PPD should stagger their firearms training throughout the academy and design its timing to coincide with the appropriate modules described above. The instruction should begin with basic skills and culminate with decision making and tactical shooting. The same approach should be applied to defensive tactics instruction and driving.

Finding 12

PPD training staff members are required to complete instructor training just one time during their careers, in accordance with minimum MPOETC standards.

In the course of our assessment, we learned that most PPD training staff maintains their instructor certification by continuing to teach. This is the bare minimum required by MPOETC standards.

Recommendation 12

The PPD should establish a minimum continuing education requirement for all training staff to remain certified by the PPD.

To ensure that training staff are educated in current training practices, the PPD should set a standard requirement for training staff to complete instructor development training at least once every four years. The training requirement should comprise a mix of instructor development and subject matter areas relevant to their training responsibilities.

Finding 13

On occasion, PPD training staff provides inconsistent or contradictory instruction to recruits.

Several interview participants commented that there was inconsistent instruction during recruit academy.[102] Our review of class evaluations also found that inconsistency in instruction was one of the most frequently cited issues. The inconsistencies were described as being within firearms instruction, between firearms instruction and the academy, and within the academy. The area most often cited by academy recruits as needing improvement was consistency of instruction across training staff. Whether perception or reality, tone or substance, this issue is problematic for recruits, who are learning law enforcement concepts and practices for the first time.

Recommendation 13

The PPD should create formal, ongoing collaboration between the FTU and the academy.

The PPD should form a training working group, comprising training staff, street-level supervisors, field training officers, and command staff that meets quarterly to discuss use of force tactics, policy, and recruit development. This working group would help training staff identify common misperceptions among recruits and identify linkages in their curriculum and potential problem areas. It would allow for collaborative curriculum development between the two units, which would be particularly helpful for scenario-based training modules. In addition, it would facilitate proactive communications between the field and the academy and help identify any gaps that may exist when recruits transition to their patrol assignments.

Finding 14

PPD officers are dissatisfied with academy defensive tactics training.

In our conversations with recruit graduates, patrol officers, and sergeants, we found that disappointment with the current state of defensive tactics (DT) instruction was nearly universal. First and foremost, our interview participants were dismayed by the lack of routine refresher training in defensive tactics. (We discuss defensive tactics in-service training in detail in the in-service chapter, chapter 6.)

Interview participants generally thought that the defensive tactics training offered at the academy focused too much on legal liability and not enough on teaching practical and realistic methods for surviving a physical encounter. They did not believe that DT sufficiently prepared them for a physical encounter. Rather, DT partners were told to be compliant, which did not give recruits experience in handling a resistive subject. In general, interview participants wanted more realistic defensive tactics training, with less choreographed maneuvers.

Recommendation 14.1

The PPD should review and update its defensive tactics manual at least once every two years, taking into account PPD officer experiences and emerging best practices from the field.

102. CNA interviews.

At least once every two years, the PPD should review and revise its defensive tactics training. As part of its review, the department should conduct research into defensive tactics employed by other major city police departments, emergent and best practices, and advances in defensive tactics training programs across the country. The review should also include use of force reports, officer assault reports, feedback from academy graduates and officers in the field, and line-of-duty injury and fatality reports.[103] The review should examine each defensive tactic trained in the academy and consider updating, improving, or removing tactics that are found to be outdated. Considering the PPD is in the minority of large departments that train on the use of neck restraint maneuvers, and that officers do not regularly train on such tactics after the academy, special attention should be given to this particular tactic.

Recommendation 14.2

Ground fighting should be a part of the PPD's defensive tactics training.

A 2006 census of law enforcement academies showed that the vast majority of other large municipal agencies included ground-fighting as part of their defensive tactics training.[104] The PPD academy is not among those that do so. The PPD academy should update its curriculum to include ground fighting, because many physical altercations will necessitate this skill. Doing so will help address recruits' concerns about the relevance of defensive tactics training and better prepare them for physical altercations in the field.

Recommendation 14.3

The PPD should discontinue training on the use of neck restraints and eliminate its use from the field except in exigent circumstances when life or grave bodily harm are at risk.

The 2006 census of law enforcement academies showed that the majority of other large municipal agencies no longer train in the use of neck restraints.[105] Yet the PPD still does; and the danger of training recruits in the use of this tactic is magnified by the fact that the PPD does not have an in-service defensive tactics training program.

Finding 15

For some PPD recruits, de-escalation training has amounted to little more than lectures and observations.

The PPD officers we spoke with mostly recognized and appreciated the value of de-escalation training and practice in the field. Many wanted more of it. Recruit graduates wanted more scenarios and less observation. For example, although many of the scenarios involve student participation, not all students participate due to time restrictions, class size, or unwillingness of some recruits to volunteer. Scenarios were frequently cited as the most beneficial training, and academy and FTU evaluations indicated that recruits wanted more of them.

103. Francis Czarnecki and Reggie Miller, *Trooper-Trainee Active Countermeasures Training Evaluation* (Miami, FL: The Gables Group, Inc., 2006).
104. Bureau of Justice Statistics, *Census of Law Enforcement* (see note 60).
105. Bureau of Justice Statistics, *Census of Law Enforcement* (see note 60).

Notably, as of 2014, the academy began incorporating de-escalation training into a new vehicle investigation scenario. Each recruit participates in the scenario twice, once as a contact officer and once as a cover officer; thus, they are exposed to various roles and experiences in approaching a vehicle investigation. When recruits are not participating, they are observing. Although the scenario is not explicitly a "de-escalation" scenario, it offers recruits the opportunity to exercise several skills required to conduct a safe and effective vehicle investigation, including verbal de-escalation involving an agitated person.[106]

Recommendation 15.1

The PPD should revamp its academy de-escalation training, ensuring that recruits receive more hours of scenario training, which allows each recruit to exercise and be evaluated on verbal de-escalation skills.

Lecturing on the importance of de-escalation is not enough. Recruits should be given the opportunity to practice those skills. The PPD should ensure that every recruit participates in at least three scenarios that enable them to exercise and be evaluated on verbal de-escalation skills. In 2014, the PPD academy staff developed vehicle investigation scenario is a good example of how de-escalation can be incorporated into scenario training and combined with other learning goals.

Recommendation 15.2

The PPD de-escalation training should be expanded to include a discussion of tactical de-escalation.

Traditionally, de-escalation is discussed in terms of verbal persuasion tactics to use with subjects who are in an agitated state due to, say, a limited mental capacity, the influence of drugs or alcohol, or a temporary emotional crisis. Another way for the officer to slow down the action is to create distance (if possible), set a perimeter, request additional resources (e.g., less-lethal weapon, supervisor, crisis intervention team), and continually reassess whether they need to be in that situation (i.e., whether there is any threat and whether any laws have been broken). These actions can reduce the likelihood that officers will place themselves in a position of peril and therefore use deadly force unnecessarily. The PPD should include these methods in their lectures, discussions, and scenario training related to de-escalation.

Finding 16

Academy recruits are not trained to use ECWs.

As of 2006, roughly half (51 percent) of police agencies with 1,000 or more sworn officers trained their academy recruits in the use of ECWs.[107] The PPD has not implemented such a practice. However, many recruit graduates and officers we spoke with stated they wanted more less-lethal force options. This was particularly pronounced in conversations with recruit graduates, who nearly unanimously expressed their desire to complete crisis intervention training (CIT) in order to obtain an ECW.

106. Philadelphia Police Department, *Vehicle Investigations Scenario Training* (see note 86).
107. Bureau of Justice Statistics, *Census of Law Enforcement* (see note 60).

Recommendation 16

ECW certification should be incorporated into the PPD's basic recruit academy.

As stated in finding 9 of this report, ECWs have the potential to reduce the number of officer-involved shootings (OIS) in the PPD. However, the increased distribution of these weapons must be handled with caution. Academy recruits should receive ECW training that focuses on how and when to use the weapons safely and within policy. The training should also comprehensively cover the impact and proper use of the weapon on persons in mental crises. Recruits should be trained and tested on the department's ECW policy through both classroom lecture and scenario-based training. All recruits should demonstrate their proficiency, both physical and mental, in using the tool. Training should cover force transition from both a policy standpoint (i.e., when it is within policy to use the tool) and a technical standpoint (i.e., how to physically maneuver the weapon and transition to a lower or higher level of force when needed).

Finding 17

Incidents involving discourtesy, use of force, and allegations of bias by PPD officers leave segments of the community feeling disenfranchised and distrustful of the police department.

Community members we spoke with in Philadelphia had polarized views on the state of community relations with the PPD. Some community members had very positive relationships with the department and believed that the PPD was generally responsive to their concerns. On the other end of the spectrum, some community members believed that the PPD was a closed organization that failed to address a host of issues ranging from discourtesy to use of force incidents. Most police departments have their share of supporters and detractors, each group driven by their experiences with the department. We did not survey the Philadelphia community, so we do not present this finding as a barometer of overall community support or approval of the PPD. However, it is clear from our outreach that some segments of the community have had very negative interactions with the department. These interactions have caused significant strife and distrust. The PPD can implement some reforms in its academy curriculum to better prepare recruits to work in these communities and develop productive partnerships.

Our analysis shows that the suspects in officer-involved shootings were overwhelmingly Black. That same pattern was apparent in unarmed persons shot by the PPD. Our analysis also shows that threat perception failures (TPF) occur with suspects of all races. Black suspects have had the highest TPF rate (8.8 percent), more than twice the rate of White suspects (3.1 percent). It is clear that the Black community is disproportionately impacted by extreme violence involving the police. The department must remain cognizant of this fact and improve academy training to better prepare officers for policing in a multicultural society.

Recommendation 17.1

The PPD's academy should significantly increase the scope and duration of its training on core and advanced community oriented policing concepts.

For community oriented policing to function as a core organizational philosophy, all members of the PPD, including recruits, must be familiar with and trained on the principles of community oriented policing, as well as what we consider emerging and advanced topics. The PPD's academy does not include a strong community oriented policing component, committing just eight hours of training on the topic per recruit class. By comparison, recruits in other large agencies receive, on average, 17 hours of training on the topic.[108] The PPD should update its community oriented policing curriculum to include the following key elements:

- *Unconscious bias and law enforcement*, which helps officers recognize and override unconscious biases related to crime, threat perception, and race.[109] Training recruits in this concept can play a large role in how they interact with community members. The academy should set aside approximately six hours for this training.[110]
- *Procedural justice*, which demonstrates that the fairness of police-public interactions impacts perceptions of police legitimacy[111] and, by extension, community partnerships.
- *Importance of problem-solving and building partnerships*, with specific examples of community partnerships already present in Philadelphia. PPD recruits should learn that police and the public have a shared responsibility for public safety and problem-solving approaches that involve the community are mutually beneficial.[112]
- *Cultural immersion* that allows recruits to learn about the community they are charged with protecting and serving. The PPD should implement a program in which recruits spend substantial time in the community, interviewing members of the community and participating in community activities, with a focus on cultural understanding and relativity. At the end of the week, recruits return to the academy and present what they have learned to their classmates. The department should consider reaching out beyond its normal networks to gain recruits the exposure they need to understand the community they serve in their social and historical context. The Austin (Texas) Police Department's community immersion program is a good example of such a program.[113]

108. Ibid.
109. Lorie Fridell, "Racially Biased Policing: The Law Enforcement Response to the Implicit Black-Crime Association," In *Racial Divide: Racial and Ethnic Bias in the Criminal Justice System,* edited by M.J. Lynch, E.B. Patterson, and K.K. Childs (Monsey, NY: Criminal Justice Press, 2008).
110. James Stewart, George Fachner, Denise King, and Stephen Rickman, *Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department* (Washington, DC: Office of Community Oriented Policing Services, 2013), http://ric-zai-inc.com/Publications/cops-p273-pub.pdf.
111. Committee to Review Research on Police Policy and Practices, *Fairness and Effectiveness in Policing: The Evidence*, edited by W. Skogan and K. Frydl (Washington, DC: National Research Council, 2004).
112. See Tammy Rinehart, Anna Laszlo, and Gwen Briscoe, *Collaboration Toolkit: How to Build, Fix, and Sustain Productive Partnerships* (Washington, DC: Office of Community Oriented Policing Services, 2005), http://ric-zai-inc.com/Publications/cops-w0686-pub.pdf.
113. Jeff Adickes, "The Community Immersion Program: Building Relationships," FBI Law Enforcement Bulletin 78, no. 2 (2009): 16, http://leb.fbi.gov/2009-pdfs/leb-february-2009.

Recommendation 17.2

The PPD should develop and implement an action plan in response to the organizational assessment on community oriented policing policies and practices throughout the department.

Community oriented policing is an evolving concept and all police departments must keep up with changing cultural norms and community expectations in order to stay current in their policies and practices. The community policing survey completed at the behest of the PPD identified a number of weaknesses in the department's policies and training related to the principles of community oriented policing. The department should identify all areas in which the department needs improvement, review its current policies and practices related to each area of community policing principles, and identify practices within the agency and from other agencies that could address those gaps.

Finding 18

Academy instruction materials on the use of force policy and use of force continuum are inconsistent.

In our review of academy training materials, we observed that the use of force policy and use of force continuum were represented in various formats. For example, the continuum concept and visual aid presented in the department's use of force in law enforcement academy class is markedly different from the force decision model that appears in the PPD's policies. With the new use of force decision chart developed in 2014 for directives 10 and 22, these training materials need to be updated.

Recommendation 18

The PPD should conduct a complete audit of its use of force policy and legal instruction conducted throughout the academy and ensure that messaging is clear, consistent, and understandable.

All training materials that include use of force language and illustrations should be 100 percent consistent with current policies. The PPD should audit all training materials, including defensive tactics handouts, MPOETC materials, the constitutional law course, the use of force in law enforcement course, and training specifically on the department's use of force directives to ensure they are communicating the same message with respect to use of force and the use of force decision chart.

Finding 19

The majority of academy instruction and scenario-based training sessions related to use of force end with the officer having to use force.

The PPD academy presents too few "winnable" scenarios and case studies in which a recruit can peacefully resolve a situation by using proper verbal skills. Recruits often stated that the scenarios presented to them were invariably "no-win" situations.[114] Instructors stated they wanted to expose the trainees to the "worst case scenarios."[115] Although recruits strongly favor scenario-based training, they didn't believe the

114. CNA interviews.
115. CNA interviews.

academy's scenarios were realistic, because the recruit would always lose. The recruits are right in believing that their low success rate in scenarios is improbable. National estimates consistently show that only about 1.5 percent of police encounters involve use of force.[116]

Recommendation 19

The PPD should review all of its use of force course material, including lesson plans, case studies, and scenarios and ensure that they demonstrate the opportunity for a peaceful resolution.

Recruits must be trained on situations that turn confrontational and violent despite their best efforts. However, PPD academy instructors must balance this training objective with the reality that relatively few public encounters require some level of force. The PPD should review each lesson plan, case study, and scenario presented at the academy and ensure that, in addition to training officers on when it is appropriate to use force, it demonstrates how such encounters can be resolved peacefully when applicable. Scenario-based training should also afford recruits the opportunity to "win" a scenario, dependent on their performance. When a recruit is tentative, uses poor tactics, or communicates poorly, the scenario degenerates into a problem. Conversely, when a recruit is performing well, they are "rewarded" with a positive outcome. A good example can be found in the academy's current practice with their vehicle investigation scenario, in which training staff has developed a scenario that can "branch off" in various directions, depending on how well the recruit performs.[117]

Finding 20

There is a strong desire for more reality-based training throughout the department.

The greatest measures of actual performance in a training environment can come from reality-based and scenario training modules. It is widely recognized that reality-based training is the best proxy for real-life critical incidents.[118] To the extent that training replicates real life, it is replicating the recruits' physiological responses to the event.[119] Therefore, recruit performance in these scenarios is the closest the department can come to observing and evaluating performance in real time and in a controlled environment.

The department has increased the amount of reality-based training it offers. This improvement in training has been welcomed by all. In our conversations with PPD personnel, the desire for more reality-based training was expressed nearly universally, from the commissioner down to recruit graduates. Referring to "scenarios," "reality-based training," and "simunitions," recent feedback from recruits made clear that they wanted more of this training.

Our analysis shows that 15 percent (n=59) of subjects involved in OIS incidents were confirmed as unarmed. Over half (n=29) of these suspects were involved in TPFs, meaning that officers mistook the subjects' movement or an item other than a weapon as being life-threatening. The remaining cases involved physical altercations in which the offender reached for the officer's service weapon. Reality-based training can help recruits hone their decision-making and threat perception skills before hitting the streets.

116. Matthew Durose and Christine Eith, *Contacts between Police and the Public, 2008* (Washington, DC: Bureau of Justice Statistics, 2011), http://www.bjs.gov/content/pub/pdf/cpp08.pdf.

117. Philadelphia Police Department, *Vehicle Investigations Scenario Training* (see note 86).

118. Kenneth Murray, *Training at the Speed of Life: Volume One – The Definitive Textbook for Military and Law Enforcement Reality Based Training* (Gotha, FL: Arminger Publications, 2004).

119. Federal Law Enforcement Training Center, *Survival Scores Research Project* (Glynco, GA: U.S. Department of Homeland Security, 2004).

Recommendation 20

The PPD should increase the amount of reality-based training offered to academy recruits.

At present, recruits complete two scenarios that involve recruit participation, actors, equipment (e.g., simulation service weapons, radios, etc.), and evaluations by a trainer. We classify these scenarios as "reality-based training." We do not classify ad hoc or spontaneous exercises in the classroom as reality-based training. The PPD should increase the number of reality-based training modules to at least 10 throughout the academy. Not all modules should focus on use of force. The PPD should incorporate other important concepts such as procedural justice, de-escalation, crime scene investigation, and officer communication and coordination into reality-based training. The focus of reality-based training should be decision making in public encounters, not necessarily applying deadly force.

Finding 21

PPD training scenarios are not developed with a consistent method or evaluation process.

Whereas some scenarios are well developed with specified learning objectives and evaluation criteria, others such as the newly developed simunitions training are less so. We noted two key issues over the course of our assessment:

- **Design and evaluation.** According to the FTU, no method or lesson plan has been developed for simunitions drills; nor is there a formal evaluation process. These are essential components to a fully functioning training program.[120]
- **Information sharing.** Training staff do not receive information (e.g., data or analysis) from other parts of the organization to aid in the development of scenarios. Yet such a practice could help make scenarios relevant to the situations that PPD officers are encountering on the street.

Recommendation 21

PPD scenarios should be developed in a formal fashion and include learning objectives and evaluation criteria.

Scenarios should be developed and implemented in a consistent fashion across the academy. The academy and the FTU should lead a working group of trainers, street supervisors, and analysts to identify trends in street encounters and develop training scenarios that reflect those trends. Each scenario should have a defined set of learning objectives and evaluation criteria.

120. Murray, *Training at the Speed of Life: Volume One* (see note 118).

Chapter 6. In-Service Training

Overview

This chapter provides a comprehensive assessment of the Philadelphia Police Department's (PPD) in-service training program. We focus on courses officially offered through the PPD. Classes taken outside of the purview of the PPD administration are not part of our assessment.

To understand current in-service training in the PPD, we reviewed lesson plans for all relevant training modules. We also discussed in-service training in interviews with line officers, supervisors, command staff, and community members. Last, we used our analysis of force encounters to help identify gaps and areas for improvement for in-service training.

The following sections provide a descriptive overview of the structure of PPD in-service training, officer requirements, and various types of in-service training available to PPD officers. We conclude with a series of 9 findings and 14 recommendations.

Management and administration

As training at the academy sets the foundation for an officer's career, acquired experience and exposure to in-service training opportunities will also shape the progression of their career, and the quality of performance during their time in law enforcement. Through in-service training, officers have the opportunity to acquire new skills as well as refresh, or update, those that were initially learned during recruit academy.

Whereas training in recruit academy is a set standard of coursework and learning objectives, in-service training is more of a fluid continuum of learning. We categorize in-service training in the PPD into four general areas:

- Mandatory in-service training
- Return-to-duty training
- Specialized training
- Commissioner-mandated training.

Two units are generally responsible for in-service training: the Advanced Training Unit (ATU) and the Firearms Training Unit (FTU). The ATU is the main delivery system of the classroom portion of mandatory in-service training, and delivers the courses for the PPD as well as several other police departments in the state. The ATU trains roughly a quarter of the police officers in the state of Pennsylvania.[121] The unit is headed by a captain and has a total of 13 training officers. In addition to Municipal Police Officer Education and Training Commission (MPOETC) courses, the ATU is responsible for developing training bulletins, commissioner-mandated training, and bookkeeping related to department-wide training data. The FTU is headed by a captain and comprises 36 firearms instructors. The unit is generally responsible for the firearms portion of in-service MPOETC requirements, specialized training, and return-to-duty training.

121. CNA interviews.

Instructor requirements

Instructor requirements for in-service training are the same as academy instructor requirements. All instructors must meet basic MPOETC requirements, which include completing an instructor development course, possessing a teaching certificate, or having full-time employment with academic ranks at a higher education institution.[122] Generally, instructors must have five years of police experience. Last, to remain certified, all instructors must remain active as instructors or provide documentation of qualifications in their subject areas. Instructors on specialized topics such as defensive tactics and firearms instruction have additional requirements to demonstrate their expertise in those areas.

Mandatory in-service training

Mandatory in-service training is mostly driven by MPOETC, which sets the standard for classroom and firearms training each year. Like all other law enforcement officers in the state of Pennsylvania, PPD officers must complete MPOETC training in order to remain certified by the state.

Classroom-based training

Classroom time consists of four or five courses, totaling 12 to 16 hours. Among the courses are two continuing requirements. A *Legal Updates* course is required every year, and *CPR and First Aid* is required every other year. Table 21 shows a list of classroom-based courses offered to PPD officers for in-service training between 2010 and 2014. During those years, PPD officers have received classroom-based training on a variety of topics; the most germane to our assessment are *Use of Force in Law Enforcement* in 2010, *Effective Communications* in 2012, and *Invisible Wounds: Traumatic Brain Injury and Post Traumatic Stress* in 2014.

Table 21. Mandatory in-service training program courses, 2011–2014

2010	2011	2012	2013	2014
Use of Force in Law Enforcement	Career and Personal Survival II	Search and Seizure	Threat Assessment & Management	Invisible Wounds: Traumatic Brain Injury and Post-Traumatic Stress
Initial Response to Police Incidents	Investigatory Uses of Digital Data Storage Devices	Effective Communications	Managing Public Events	Crimes against the Elderly: Transient Criminal Groups
Contemporary Forensics	Domestic Violence Risk and Decision Making	Officer Safety Awareness XIV: Mobile & Target Assaults	Emergency Vehicle Operation—Remain in Control	Technology Update: Introduction to Social Media

Use of Force in Law Enforcement covered the basic legal concepts and principles on use of force, including the use of force continuum and de-escalation. *Effective Communications* focused on interpersonal communications and was the basis for the newly established academy course on the topic, described in chapter 5. *Invisible Wounds: Traumatic Brain Injury and Post Traumatic Stress* was developed by MPOETC as the result of a Pennsylvania state law that required a needs assessment and subsequent training of law enforcement in recognizing and interacting with veterans and other individuals with traumatic brain injuries (TBI) or

122. 37 Pa. Code § 203.72 (effective December 21, 1996).

post-traumatic stress disorder (PTSD). The course provided instruction on the nature and prevalence of the issue, how to identify someone who may be suffering from TBI or PTSD, and strategies for managing and responding to such encounters.

Firearms training

PPD officers must requalify with their firearm once per year, as per MPOETC requirements. The PPD's in-service firearms qualification includes the standard MPOETC qualification course in addition to a tactical shooting course, reactive shooting course, and running-man target system.[123] Officers also receive a briefing on the department's use of force policies and are given a 10-question exam on the topic. In 2014, the PPD took the initiative to add a reality-based training (RBT) scenario using simunitions to PPD officers' annual requalification.

Return-to-duty training

Any officer who discharges his or her firearm at a suspect is required to complete return-to-duty training. The course consists of approximately 11 range exercises, mostly on tactical and judgmental shooting.[124] The officer also completes an undefined number of firearms training simulator (FATS) scenarios and a briefing on the department's use of force policies. The PPD has also taken the initiative to add a reality-based training module using simunitions for any officer completing return-to-duty training.[125] Any officer who has not completed the annual firearms requalification at the time he or she is scheduled for return-to-duty training must do so as part of the return-to-duty program.

Specialized training

Beyond the commissioner-mandated training, there are several specialized trainings that are available throughout the department but that are not required of PPD officers in the force. We identified and reviewed three specialized training courses in the PPD that are germane to assessment: long-gun training; crisis intervention team (CIT) training; and pre-promotional training.

Long-gun training

Approximately 500 PPD officers are certified to use long guns. Officers generally need recommendations from their supervisors to train and certify on the weapons. Long-gun training covers use of department-issued shotguns and rifles. Shotguns are typically .12 gauge pump-action models. The department's standard rifle is the AR-15 or other variants of the weapon such as the M4 or MP5 rifles, which are similar tactical rifles. Although MPOETC-required training includes a portion on use shotguns, the PPD requires additional training for its officers. PPD officers qualify with both weapons together in a five-day course.[126] Officers who are certified with long guns must recertify as part of their annual firearms qualifications.

Shotgun training entails an introduction to the weapon, its advantages and disadvantages, proper deployment from the patrol vehicle, carrying positions, effective functional range, and firing positions. Trainees complete a total of eight functional drills on various uses of the weapon, such as firing at multiple targets,

123. *MPO In-Service Lesson Plan. Instructor Cues and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).
124. *Tactical/Judgmental Lesson Plan. Instructor Cues and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).
125. CNA interviews.
126. *5-Day Long Gun Training Lesson Plan. Instructor Cues and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).

moving targets, transitioning weapons, and the use of nonlethal shotgun ammunition. Patrol rifle training also consists of eight functional drills, covering issues such as shooting positions, weak-hand use, and loading and unloading.

Of the 541 discharging officers between 2007 and 2013, less than 1 percent (n=5) used long guns. Of the five, three used shotguns and two used rifles. Four of the officers were special weapons and tactics (SWAT) and one was part of a homicide fugitive task force. Two incidents were barricade situations; one was a narcotics investigation; one was serving an arrest warrant; and one was sought out by a member of the public regarding three armed robbers.

Crisis intervention training

CIT was developed in the late 1980s to help police manage situations with mentally ill and potentially dangerous subjects. Since that time, it has become popular throughout the law enforcement community nationwide.[127] Studies have shown that such training can help improve officers' ability to recognize mental illness,[128] slow down and de-escalate their responses,[129] and use less force against persons in mental crises.[130]

PPD CIT began in a 2007 pilot program, in which 500 PPD officers received the training. In 2009, the PPD opened up the training to all PPD personnel. The program is voluntary and subject to supervisor recommendation or approval. The six-day training program was developed in collaboration with the PPD, the police advisory commission, Project HOME (housing, opportunities, medical, education), the Family Training and Advocacy Center, and the University of Pennsylvania.

The department has aligned the issuance of electronic control weapons (ECW) with training in CIT, so that only CIT-trained officers are issued the weapon. The final day of training is devoted to learning about the weapon, its proper use, and the department's policy, and participating in a series of practical exercises.[131] Approximately 1,800 officers have received the training so far. The PPD has not fully established recertification or any routine in-service training for crisis intervention or ECWs.

Commissioner-mandated training

In addition to regular in-service requirements and specialized training, the PPD issues commissioner-mandated training, which is often a department-wide requirement. Commissioner-mandated training can be driven by a variety of factors, including local or national crime trends, as well as upcoming events. For example, prior to the 2004 Republican National Convention, officers received crowd control training. The department is currently training officers in active shooter response. The training is an eight-hour course, taught by PPD SWAT. It includes classroom instruction on the history of active shooters, lessons learned,

127. Melissa Reuland, Laura Draper, and Blake Norton, *Improving Responses to People with Mental Illnesses* (Washington, DC: Bureau of Justice Assistance, 2010).
128. Natalie Bonfine, Christian Ritter, and Mark R. Munetz, "Police Officer Perceptions of the Impact of Crisis Intervention Team (CIT) Programs," *International Journal of Law and Psychiatry*, 37, no. 4 (July–August 2014): 341–350.
129. Kelly E. Canada, Beth Angell, and Amy C. Watson, "Crisis Intervention Teams in Chicago: Successes on the Ground," *Journal of Police Crisis Negotiations* 10, no. 1–2 (2010), 86–100.
130. Michael T. Compton, Masuma Bahora, Amy C. Watson, and Janet R. Oliva, "A Comprehensive Review of Extant Research on Crisis Intervention Team (CIT) Programs," *Journal of the American Academy of Psychiatry and the Law* 36, no. 1 (March 2008), 47–55.
131. Taser Lesson Plan. Instructor Cues *and Performance Objectives* (Philadelphia: Philadelphia Police Department, n.d.).

the concept of rapid deployment, team formations, and PPD directive 111 on crisis response. The course also includes practical drills in dynamic room entries. In 2014, the department used an abandoned public school building to stage practical exercises.[132]

Findings and recommendations

Finding 22

The PPD lacks a field training program to help transition academy graduates into full-time work as officers.

A field training officer program is a common training component found in every other large law enforcement agency with 1,000 or more sworn personnel.[133] Currently, the academy-to-field transition process for rookie officers occurs through foot patrol beats, where these officers are paired with one another and assigned to patrol a three-to-four-block high-crime area. As a result, recruits can be thrown into situations where their only guidance comes from their rookie partner. Since their mobility as foot patrol officers is limited, they handle far fewer calls than they would in a car patrol. Rookies remain on foot beats for 12 to 18 months before they are moved to a car patrol.[134] Although the foot patrol provides officers with an immersive experience with one aspect of policing and close contact with the community they serve, it does not provide them with experienced mentors at this point, nor does it give them experience with a broad range of other law enforcement activities.

During interviews, officers and sergeants both mentioned this missing component of officer training and development as something that dramatically hinders the development of officers in the department. It was said that officers learn bad habits because senior officers are not there to correct them. In addition, rookie officers leave foot patrols lacking other basic skills, such as the ability to respond to many other types of radio calls.

Recommendation 22

The PPD should develop a field training program.

The PPD should adopt a formalized field-training program. Discussions with the ATU revealed that the unit had previously developed draft parameters and guidance for a field training officer (FTO) program for implementation within the department. The PPD should use this previous work to create a viable FTO program. The PPD can also consider incorporating the San Jose field training officer model and the Reno Police Training Officer (PTO) model into its program. PTO is a system that begins in the academy and continues through field training, allowing for a tight integration between the two instructional settings.[135] Ultimately, the PPD field-training program should be formalized with clear instructional goals and objectives, periodic evaluations, and established criteria for successful completion.

The recruits should be exposed to multiple FTOs as each one brings his or her own set of skills and experiences from which the young officers can benefit. This also permits a fair and balanced evaluation of the recruit prior to successful graduation from the FTO program, reducing potential bias on the part

132. CNA observations.
133. Bureau of Justice Statistics, *Census of Law Enforcement* (see note 60).
134. CNA interviews.
135. *A Problem-Based Learning Manual for Training and Evaluating Police Trainees* (Washington, DC: Office of Community Oriented Policing Services, 2001).

of any single FTO. It is also preferable that the recruits be exposed to different shifts while in the program; this would enhance the learning experience because the types of calls can vary greatly. There should be an objective and rigorous selection process for FTOs to ensure that only those officers who best represent the values of the organization are entrusted with this training program. The importance of this program cannot be overstated. The PPD has invested a great deal of time in academy recruit training, and this next phase is equally critical to recruits' success as police officers. It should be carefully crafted and last long enough to effectively transition the recruit to the field.

Each unit should have a training coordinator who monitors the recruits' progress and the compliance and effectiveness of the training officers. During the program, the recruits and FTOs should be assigned to patrol cars that field calls for service from dispatch. This will give them broader exposure to a variety of call types while still helping them learn the street rotation for that district. After successful completion of the program, the new officers may then be assigned to foot beats as desired by the commissioner.

Finding 23

The PPD's annual in-service training requirements tend to be limited to MPOETC standards. As a result, officers do not regularly receive in-service training on threat perception, decision making, and de-escalation.

The PPD's in-service training requirements are largely driven by MPOETC, which sets Pennsylvania state standards and certifications to be a police officer anywhere in the state. In the past five years, PPD officers have received in-service training on topics related to use of force on only three occasions.

Recommendation 23.1

The PPD should add at least one additional day of RBT to its annual requirements.

The PPD should develop an annual eight-hour RBT course around officer use of force. This class should maximize hands-on training that presents officers with realistic scenarios, while reinforcing departmental guidelines as defined in directives 10 and 22.

In addition to instruction on department directives and policy, the course should include training on use of force legal frameworks, verbal and tactical de-escalation, the use of less lethal force options, team tactics, communication with other officers, scene management (particularly for sergeants and lieutenants), and other tactical considerations.

The vast majority of officers interviewed indicated that RBT was the most effective training they had received while with the department and that they desired more of this type of training.

Recommendation 23.2

The PPD should include training in procedural justice during the next offering of mandatory in-service program courses.

There is a growing body of research showing that perceptions of fairness in police-public interactions impacts perceptions of police misconduct, legality, authority, and legitimacy.[136, 137] To briefly summarize, when members of the public believe that their contact with the police was characterized by their being treated fairly, they are more likely to respect the outcome of that interaction and have more favorable views of the police and acknowledge them as legitimate legal authorities. These favorable views of the police can translate into greater legitimacy for the department and therefore more positive interactions with less resistance from the community they serve.[138] The PPD should offer its officers such a course either by developing their own through a train-the-trainer program or directly through another organization. Additionally, the department should identify opportunities to reinforce the concepts of procedural justice throughout other training modules, such as those related to use of force, crisis intervention, and de-escalation.

Recommendation 23.3

The PPD should include training in unconscious bias and law enforcement during the next offering of mandatory in-service program courses.

Our analysis found that Black suspects were subject to threat perception failures (TPF) in 9 percent of OISs, more than twice the rate of White suspects. Additionally, Black, White, and Hispanic officers each had relatively high rates of TPFs when the suspect was Black. Although the samples of white and Hispanic suspects are too small for a strong comparative analysis to black suspects, the pattern emerging out of the PPD's OISs would generally support the notion that unconscious bias plays a role in deadly force decision making and TPFs. However, we stress that this is notional, and our analysis found the differences could be due to chance and not a pattern. Nevertheless, the PPD should address the issue head-on in training.

Training officers to become aware of unconscious biases can play a large role in how police officers interact with their community members. The PPD should initiate new training for all officers to advance fair and impartial policing. Training should promote a controlled response from the officers that overrides potential unconscious biases.[139] The PPD should offer its officers such a course by either developing its own module through a train-the-trainer program or adopting one directly from another organization.

Finding 24

The PPD training staff lacks opportunities for exposure to day-to-day officer experiences.

Training staff and officers expressed concerns regarding the ability of the trainers to directly relate course materials to field officers' day-to-day experiences. In particular, the concern was raised that the training staff is too far removed from working in the field to effectively communicate course lessons in a context that resonates with those they are training.

136. Tom Tyler, "What are Legitimacy and Procedural Justice in Policing? And Why Are They Becoming Key Elements of Police Leadership?" in *Legitimacy and Procedural Justice: A New Element of Police Leadership*, ed. C. Fischer (Washington, DC: Police Executive Research Forum, 2014).
137. Tom Tyler and Cheryl Wakslak, "Profiling and the Legitimacy of the Police: Procedural Justice, Attributions of Motive, and the Acceptance of Social Authority" *Criminology* 42, no. 2 (2004): 253–281, http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2004.tb00520.x/pdf.
138. Committee to Review Research on Police Policy and Practices, *Fairness and Effectiveness* (see note 111).
139. Fridell, "Racially Biased Policing" (see note 109).

Recommendation 24

The PPD should require training staff members to work a patrol shift in a two-officer car at least twice annually.

At least twice annually, all training staff (recruit, firearms, and ATU) should be required to work a patrol shift in a two-officer car. This can help the staff keep current on changes in the line operations and reinforce their understanding of the issues faced by the officers on a daily basis.

In addition, the recruit training staff should ride with FTOs during these field experiences. This will help facilitate discussion about what works and what could be improved once recruits hit the street.

Finding 25

The PPD lacks a comprehensive scenario playbook that includes a diverse set of scenarios relevant to policing in Philadelphia.

The PPD is one of the largest law enforcement agencies in the country, where officers encounter a diverse collection of calls for service and individuals during their time as officers. These situations include persons in mental crises, foot pursuits in high-crime areas, and animals, among many others. Similarly, officers who have not previously spent much time in an urban environment are confronted with situations and individuals that are unfamiliar to them, adding yet another layer of complexity to their decision-making process.

Recommendation 25.1

The PPD should develop a catalog of scenarios based on real-world incidents experienced by PPD officers and other officers across the country.

A comprehensive scenario playbook or catalog would expose officers to a wide range of scenarios, increasing the likelihood that they will be familiar with a situation when they encounter it on duty. The playbook would also allow trainers to better assess an officer's abilities and help target any potential problem areas.

The playbook should include a variety of scenarios relevant to a large urban jurisdiction with particular attention to scenarios that focus on the following areas:

- **Foot pursuits**. Our review of the department's officer-involved shooting (OIS) incidents reveals that a 33 percent of OISs involved a foot pursuit. Scenarios should be developed that indicate the hazards associated with foot pursuits and that allow the trainer to analyze how the officer weighs the decision to pursue a suspect versus the potential danger to the officer (e.g., the officer loses sight of the subject and the possibility of an ambush).
- **Diversity**. Philadelphia is a diverse city comprising many cultures and ethnicities. Scenarios should reflect this and place officers in an environment in which they are interacting with individuals of different ethnicities.
- **PPD OIS**. As part of their return-to-duty training, officers are presented with a scenario that is similar to the incident they encountered while on duty. In each such instance, the PPD should document that scenario as a potential learning opportunity for other officers.

- **Threat perception failures**. Officers should train in scenarios that allow them to hone their threat perception skills and better identify behavior such as "waistband-tugging" where no weapons are present and avoid mistaking cell phones or other shiny objects as firearms. As a whole, the department shot 29 unarmed suspects in TPFs between 2007 and 2013, accounting for 8 percent of all OISs in that time period.
- **De-escalation**. Officers should be exposed to scenarios that allow them to exercise verbal persuasion and interpersonal communication skills with an agitated suspect.

It is critical that the department include scenarios that are not intended to be resolved using deadly force. In addition, all training scenarios should be carefully vetted against department policy to ensure that they do not conflict with one another.

Recommendation 25.2

Officer performance in training should be recorded as a way to track officer progress across the department and flag any tactical issues that may require additional targeted training.

In conjunction with the development of the scenario playbook, a rubric for grading officer performance in the scenarios should also be developed. During training, officers should be graded on each scenario with results entered into a PPD electronic training record-keeping system, thereby enabling the department to analyze and proactively address any department-wide or officer-specific tactical deficiencies.[140]

Recommendation 25.3

The PPD should review its training on animal shootings to ensure they are consistent with the community expectations while considering factors affecting officer safety.

The PPD is involved in an average of 30 animal-related OISs per year. Nationally, there has been great concern generated by excessive animal shootings by law enforcement officers. To this end, some states have enacted legislation specifically designed to address this issue. Given the large number of PPD OISs involving animals, including family pets, it is recommended that the PPD review its policies on animal shootings to ensure they are consistent with community expectations and that they limit the shooting of family pets.

Finding 26

The PPD does not have a recertification program for CIT.

Officers who were interviewed consistently lauded the CIT as some of the most valuable training they received during their time with the PPD, citing the verbal skills learned as helping diffuse crisis situations. Nearly half of the PPD's patrol officers have completed the training—far more than the widely used standard of 25 percent. However, the department does not have a recertification requirement or process in place. Officers receive the training just once.

140. George Fachner, *TRAINSTAT: Establishing a Training Statistics Program in the Las Vegas Metropolitan Police Department* (Arlington, VA: CNA, 2013).

Recommendation 26

The PPD should create a periodic recertification training program for CIT officers.

Recertification training is a core element of CIT.[141] Without recertification training, the vital skills learned in CIT can perish. The PPD should establish a recertification process for all officers trained in crisis intervention. The course does not need to be as intensive and time consuming as the initial training, but it should cover all of the core concepts of crisis intervention and include hands-on scenario training. The training should be developed by PPD staff members who specialize in this area, in conjunction with mental health professionals. Officers certified in CIT should complete recertification training at least once every three years.

Finding 27

The PPD does not have a recertification program for ECWs.

When an officer discharges an ECW, the device is inspected by training staff. However, PPD officers receive no formal refresher training on use of the device.

Recommendation 27

The PPD should create a periodic recertification training program for ECWs.

The training program should include training on using the weapon, an opportunity for target practice, and a review of the department's ECW policy. Officers should be recertified to use ECWs at least once every three years.

Finding 28

Unique opportunities for scenario-based and simulated training have been eliminated from the department.

Prior PPD practices that allowed officers more hands-on and realistic training regarding use of force have been discontinued. In one instance, a portable firearms training simulator (FATS) was rotated through different operational assignments on a periodic basis. This program was ultimately discontinued. Similarly, the PPD previously made use of abandoned buildings at the Navy Yard for scenario-based training. However, this practice was discontinued after renovation began on the buildings.

Recommendation 28.1

The PPD should reinstitute the rotating simulation use of force training program.

The department should re-constitute the use of the portable use of force simulator across the department's operational units. Doing so will allow officers to take advantage of additional training in a simulated use of force environment. Both nondeadly-force and deadly-force scenarios should be included in the training program.

141. Randolph Dupont, Sam Cochran, and Sarah Pillsbury, *Crisis Intervention Team Core Elements* (Memphis, TN: University of Memphis CIT Center, 2007), http://cit.memphis.edu/pdf/CoreElements.pdf.

Recommendation 28.2

The PPD should investigate and obtain a sufficient facility or facilitie, to house reality-based training.

To provide more realistic reality-based training, the PPD should look to obtain access to facilities that will allow it to re-establish this type of training. Options include partnerships with the owners of abandoned buildings throughout the city, or repurposing training spaces already in possession of the PPD.

Finding 29

The PPD requires that officers qualify with their firearms just once per calendar year.

Depending on an officer's scheduling in any given year, it is possible that an officer could go as many as 23 months between qualifications. Even if an officer shoots every 12 months, this is not sufficient for officers to maintain the skills involved with rapidly drawing a weapon and acquiring a proper stance and hand-hold in order to deliver accurate and timely shots. Poor accuracy endangers bystanders, other officers, and property. We calculated the PPD's accuracy in OIS incidents between 2007 and 2013 and found that officers hit their intended target 18 percent of the time.

Recommendation 29

The PPD should require that officers qualify with their weapons at least twice per year.

Although larger departments, such as the PPD, tend to have a difficult time qualifying their officers more than one or two times per year, it is important for PPD officers to maintain familiarity with their weapon and practice accuracy.

Finding 30

PPD officers do not receive in-service defensive tactics training.

After officers leave the academy, they do not receive any additional defensive tactics training during the course of their career. Officers who lack confidence in their ability to subdue a resistant or aggressive offender may be more likely to resort to excessive force or lethal options to gain compliance. This also means officers are not consistently trained on use of force decision making and how and when to stop applying force during such encounters.

From 2007 to 2013, a total of 27 suspects were involved in physical altercations with PPD officers that led to an OIS. A majority of these suspects were unarmed and reportedly reached for the officer's firearm. One five occasions, the suspect successfully disarmed the officer of their baton, ECW, or firearm.

Although PPD officers are able to subdue or apprehend an assaultive suspect without resorting to deadly force in the vast majority of incidents, in-service defensive tactics training can enhance officer and citizen safety and reduce the likelihood of assaultive incidents leading to an OIS.

Recommendation 30

The PPD should provide periodic defensive tactics training.

Defensive tactics refresher training could be conducted at the district level by certified defensive tactics instructors. This would minimize the time required for an officer to participate, as he or she would not have to travel to receive the training elsewhere. The PPD could employ several certified instructors whose purpose is to provide short training sessions that review one or more defensive tactics. Among other tactics, the refresher would specifically cover the following:

- Striking and close-quarters defensive tactics
- Gun takeaway defense
- Pressure points
- Takedowns
- Ground defense
- Arrest techniques
- ECW and baton control techniques
- Use of force decision making and de-escalation

Officers should be required to complete defensive tactics training that covers the topics listed above at least once per year.

Chapter 7. Investigations

Overview

This chapter provides a comprehensive assessment of Philadelphia Police Department's (PPD) investigations of officer-involved shootings (OIS) and other instances of deadly force, accounting for the criminal and administrative investigation of such incidents. By *criminal investigation of an OIS*, we mean the investigation that is intended to uncover any criminal wrongdoing by the officer, in addition to any by the suspect. By *administrative investigation of an OIS*, we mean the investigation that is intended to uncover any administrative or policy violations that occurred in the course of the incident. The PPD provides a comprehensive flow chart of the entire OIS review process on its website (see appendix B on page 134).

To understand the nature and quality of the PPD's investigative practices, we undertook several tasks. First, we reviewed all of the department's policies and manuals related to deadly force investigations. Second, we conducted interviews with investigators from the department's shooting team, which is part of the Internal Affairs Division (IAD); homicide detectives; district detectives; and command staff. Finally, we conducted a systematic evaluation on the quality of investigations.

In the following sections, we describe the PPD's investigative process, including how the department is organized to address deadly force investigations and the policies that are in place. We then present the results of investigation quality evaluation. We conclude with a series of nine findings and 18 recommendations, based on our assessment.

Criminal investigation

The criminal investigation of an OIS is handled by either the homicide unit or the detective division where the incident occurred, depending on whether the incident was fatal or nonfatal. If the incident was fatal or near-fatal or if an officer was struck by gunfire, the homicide unit handles in the investigation.[142] If the incident was nonfatal, the detective division of occurrence assumes responsibility for the investigation.[143]

When an officer discharges his or her firearm, the officer notifies dispatch that he or she has been involved in a shooting. Dispatch, in turn, makes notifications to other appropriate personnel, including: the district supervisor; internal affairs; homicide division (if the shooting was fatal, or likely fatal, or if the officer was struck by gunfire); the detective division of occurrence; the district of the occurrence; the district or unit to which the officer is assigned (if different from the district of occurrence), the crime scene unit; and the real-time crime center.[144]

The first supervisor who arrives on scene is responsible for taking what is known as a "public safety statement" from the discharging officer(s). The supervisor collects information regarding the scope of the crime scene, the location of any physical evidence, and the location of any suspects, victims, or witnesses. Investigators rely on the first supervisor's relaying of the public safety statement to assist them in establishing the extent of the crime scene and the initial steps needed to begin the investigation. The first supervisor then transports the discharging officer(s) to IAD headquarters.

142. Philadelphia Police Department, *Directive 10* (see note 20).
143. Ibid.
144. Ibid.

One internal affairs investigator is assigned to the scene while one remains at IAD headquarters. If the incident is fatal, an additional IAD investigator is assigned to the homicide unit at headquarters. If the incident is fatal or likely to be fatal or if the officer is injured with a gunshot wound during the incident, the homicide unit will respond to the scene with four detectives while two respond to the hospital. If the incident is nonfatal, the detective division assigns two detectives from the district of occurrence to the scene. The internal affairs investigator and lead homicide or division detective have joint responsibility for the management of the crime scene.

An internal affairs investigator interviews the transporting supervisor. The crime scene unit conducts a crime scene investigation. The homicide or division detectives conduct the neighborhood canvass and witness interviews as they would for any crime.[145] The internal affairs investigator participates in interviews and adds questions as needed. The officer is not interviewed at this point of the investigation.

The homicide or detective division completes its investigation of the incident and forwards the case file to the internal affairs investigator within seven days, according to PPD policy.[146] The IAD is the primary liaison with the district attorney's office's (DAO) special investigation unit (SIU), which is responsible for reviewing the actions of the officer. A different unit within the DAO is responsible for the prosecution of the crime suspect. The assigned shooting team investigator reviews the file and forwards it to SIU. If the DAO decides to pursue charges against the officer, the internal affairs investigator prepares an affidavit and arrest warrant. If the DAO declines charges, the internal affairs investigator essentially begins an administrative investigation, using the criminal investigative file as its backbone.

Administrative investigation

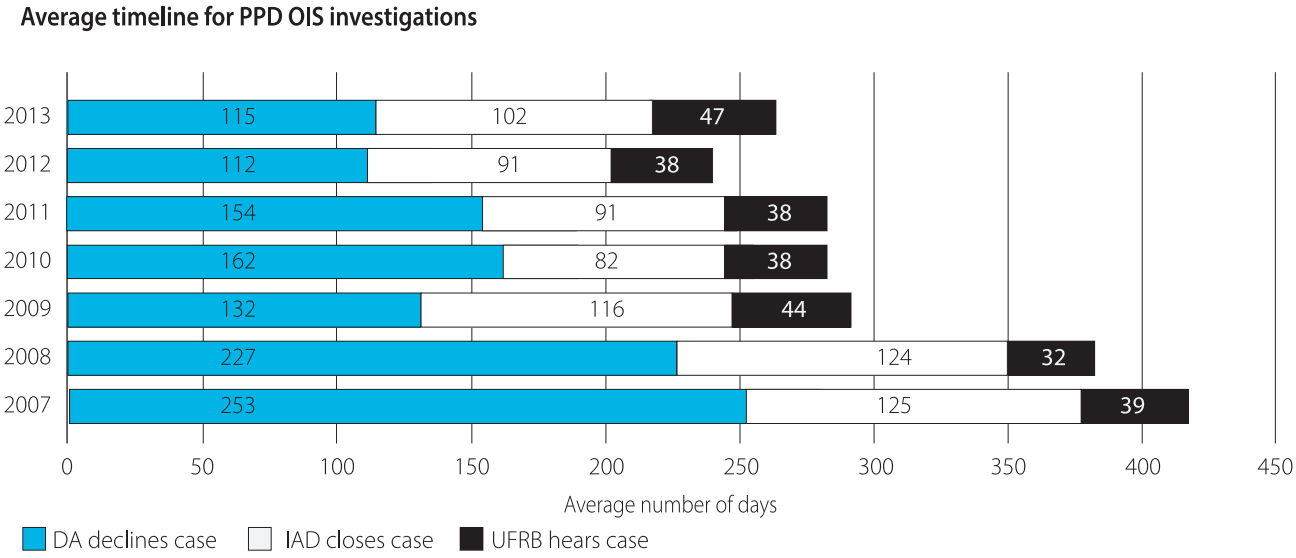
The administrative investigation is conducted entirely by the IAD shooting team, which comprises one captain and six lieutenants. During the criminal investigation, the IAD investigators observe the collection of evidence and witness interviews, ensuring that information pertinent to the administrative investigation is accounted for.[147]

If the DAO declines charges against an officer, the shooting team investigator assigned to that case will give the officer what is known as a *Garrity* warning, which compels him or her to give an interview. This interview is legally protected, meaning that the information obtained from that interview cannot be used in any criminal investigation or proceeding against that officer.[148] This typically takes place several months after the incident occurred.

Figure 19 illustrates the average time in which each step of an OIS investigation has been completed. Each bar represents the average amount of time in which each step of the process is completed, sequentially. The total number of days lapsed is represented on the *x* axis. The DAO has been declining cases at faster rates in recent years. As a result, discharging officers are being interviewed by PPD investigators sooner. The blue bar, representing "DA declines case," indicates the earliest time that the shooting team can interview the discharging officer. In 2013, the DAO declined cases an average of 115 days after an incident.

145. CNA interviews.
146. Philadelphia Police Department, *Directive 10* (see note 16).
147. CNA interviews.
148. *Garrity* v. *New Jersey*: 385 U.S. 493 (1967).

Figure 19. PPD OIS investigation average time for completion



After interviewing the discharging officers, the shooting team investigators prepare a report of their findings, which includes all other investigative files and documents (e.g., forensic reports, witness interviews, toxicology). The shooting team report is reviewed by the captain, chief inspector, and deputy commissioner of the Office of Professional Responsibility (OPR). Once approved, the report is submitted to the Use of Force Review Board (UFRB) for review and an administrative hearing is scheduled.

In 2013, the PPD modified the shooting team's reporting procedures. Prior to this, investigators would make a conclusion regarding whether any policy violations occurred during the incident in their report. Since then, shooting team investigators have been collectors of facts only and do not draw any inferences about policy violations. That role is reserved for the UFRB.[149]

Evaluation of OIS investigative quality

To support our assessment, we conducted an evaluation of the quality of PPD OIS investigations. We developed a 90-point evaluation tool based on practices we believe represent a fair, comprehensive, and progressive investigation. The evaluation covered the following general areas of an investigation:

- Crime scene investigation and incident reconstruction
- Interviews of civilian witness(s)
- Interviews of witness officer(s)
- Interviews of discharging officer(s)
- Incident analysis

The evaluation tool solicits a series of yes/no and Likert scale (1–5) responses within each of these general areas of an investigation. Evaluators were also able to comment in free-text form. Our evaluators were four independent, experienced current and former investigators with expertise in deadly force investigations.

149. CNA interviews.

We tested inter-rater reliability among the evaluators by distributing three identical case files to each of them and calculating the percentage of agreement on all evaluation tool items. The percentages of agreement were 80.4, 80.6, and 84.3, which demonstrated a high degree of reliability among the four independent evaluators.

We evaluated a random sample of 35 closed OIS investigative files from incidents that occurred between 2007 and 2013. Fatal incidents accounted for 18 cases and nonfatal incidents accounted for 17 cases. We present our key analytic findings below.

Crime scene investigation and incident reconstruction

We evaluated numerous aspects of the crime scene investigation and incident reconstruction. Major findings in this area were related to the public safety statement, crime scene diagrams, crime scene photos, neighborhood canvass, crime scene management, and incident chronology.

Public safety statements

Evaluators agreed that some form of a public safety statement was usually given and documented in the investigative file but generally believed that the statement was too limited, was too informal, and lacked a standard.

Crime scene diagrams

Crime scene diagrams were included in 30 of the 35 (86 percent) case files. However, just 12 (40 percent) were believed to be appropriately labeled and detailed.

Crime scene photos

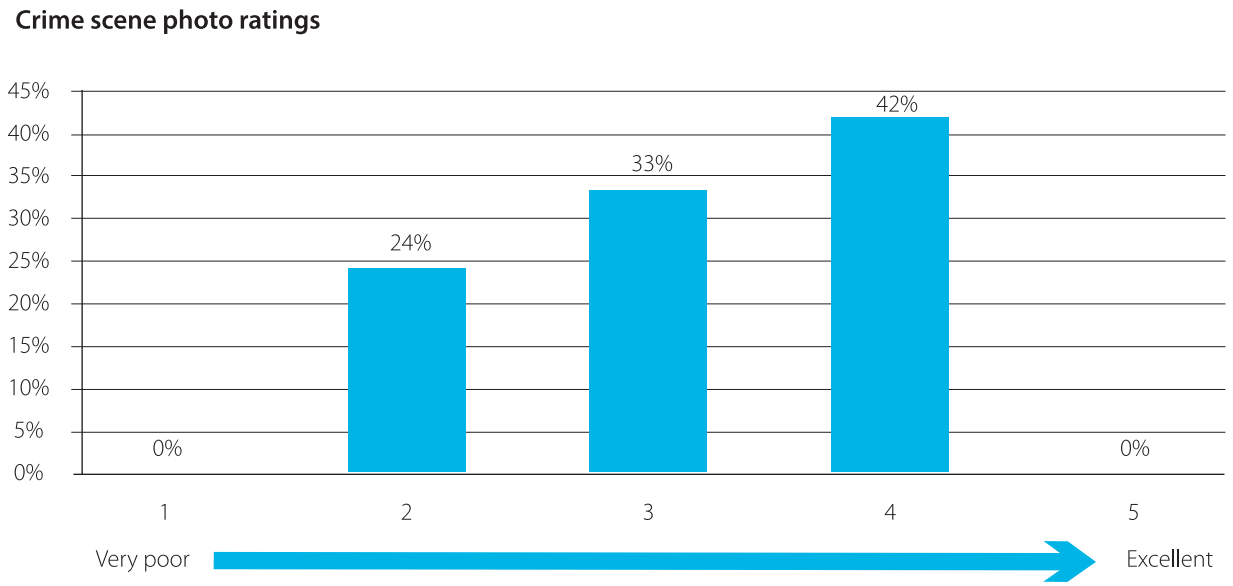
Our evaluation of crime scene photos accounted for whether they were taken from the appropriate perspectives and labeled accordingly. We found that crime scene photos were often missing the appropriate perspectives or not labeled appropriately so as to provide context to what was depicted in the photograph.

Table 22. OIS crime scene photo quality measures

Attributes	Percent
Crime scene photos were taken from appropriate perspectives	64
Perspectives were appropriately labeled	67
Items of significance in crime scene photos were labeled	58

Evaluators also rated photos on a sale of 1 to 5 (1=very poor; 2=poor; 3=fair; 4=good; 5=excellent). On a 5-point scale, crime scene photography was rated 3.2 on average. A plurality of investigations had crime scene photography which reviewers believed was very good. However, nearly a quarter of the investigations had poor crime scene photography. Figure 20 shows the distribution of crime scene photo ratings.

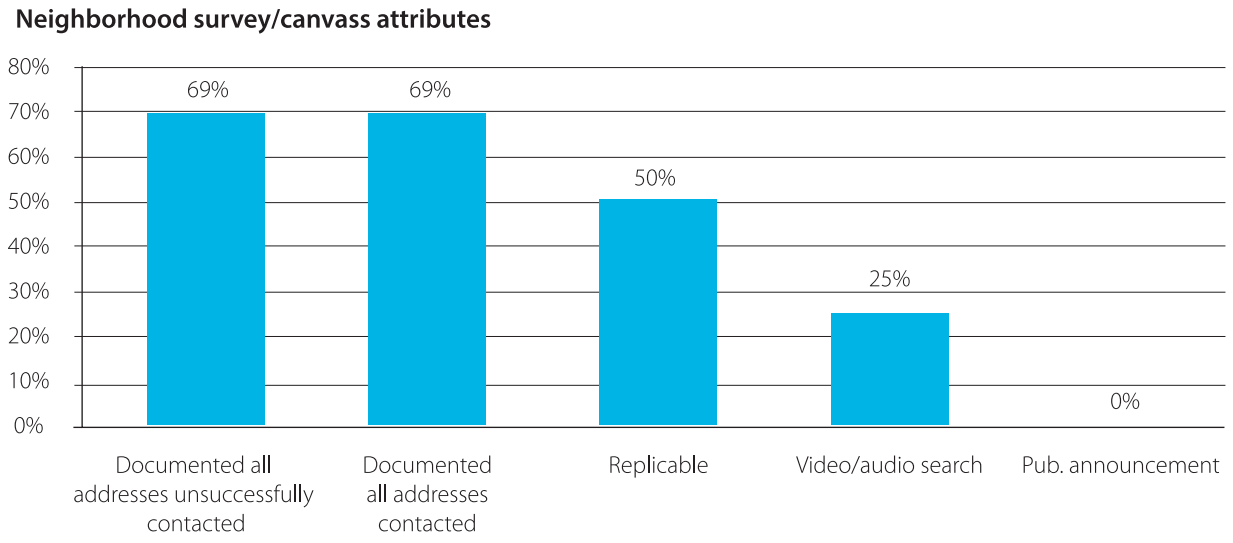
Figure 20. OIS crime scene photo ratings



Neighborhood canvass

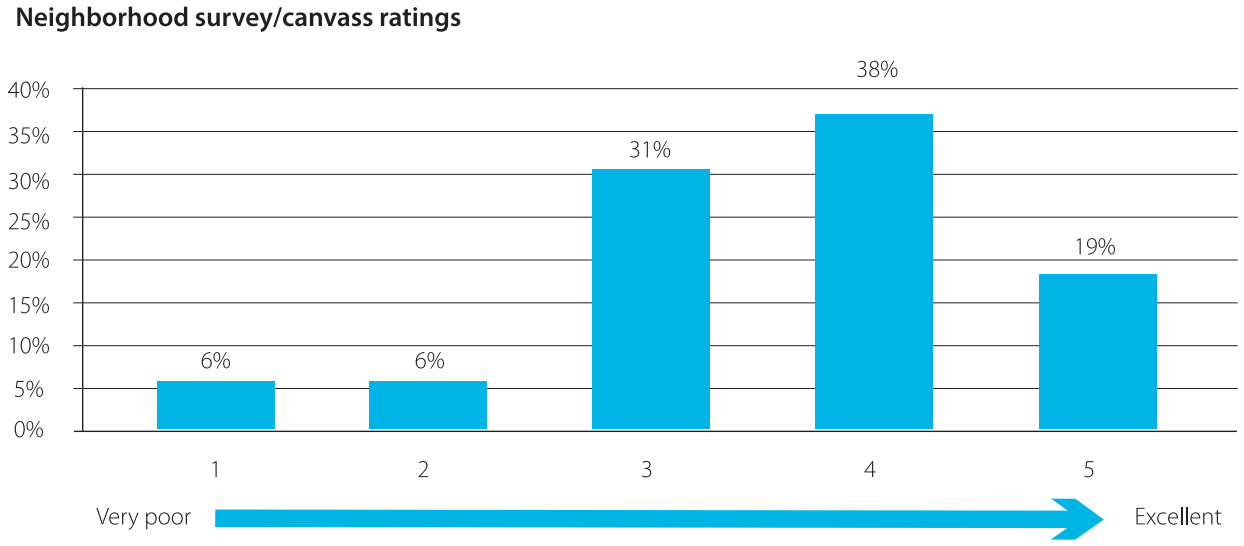
Documentation of neighborhood canvasses was found to be poor. In 14 cases, evaluators were unable to discern whether a canvass had been conducted. In 16 cases, the canvass was documented. In three cases, it was noted that there was no canvass. Figure 21 shows the frequency of neighborhood canvassing attributes among the 16 cases in which a canvass was documented. The case file included all addresses that investigators attempted to contact, successfully and unsuccessfully, 69 percent of the time. Half (50 percent) of the canvasses were documented in a way that made them replicable. And one quarter (25 percent) of the canvasses documented a search for video or audio of the incident. None of the cases included a public announcement asking any eye or ear witnesses to come forward.

Figure 21. Neighborhood canvass quality measures



The quality of canvasses varied widely. Although the overall average rating for canvasses was 3.5, ratings ranged from 1 to 5. Figure 22 shows the complete distribution of canvass ratings. Most canvasses were rated as 3 or better.

Figure 22. Neighborhood canvass ratings



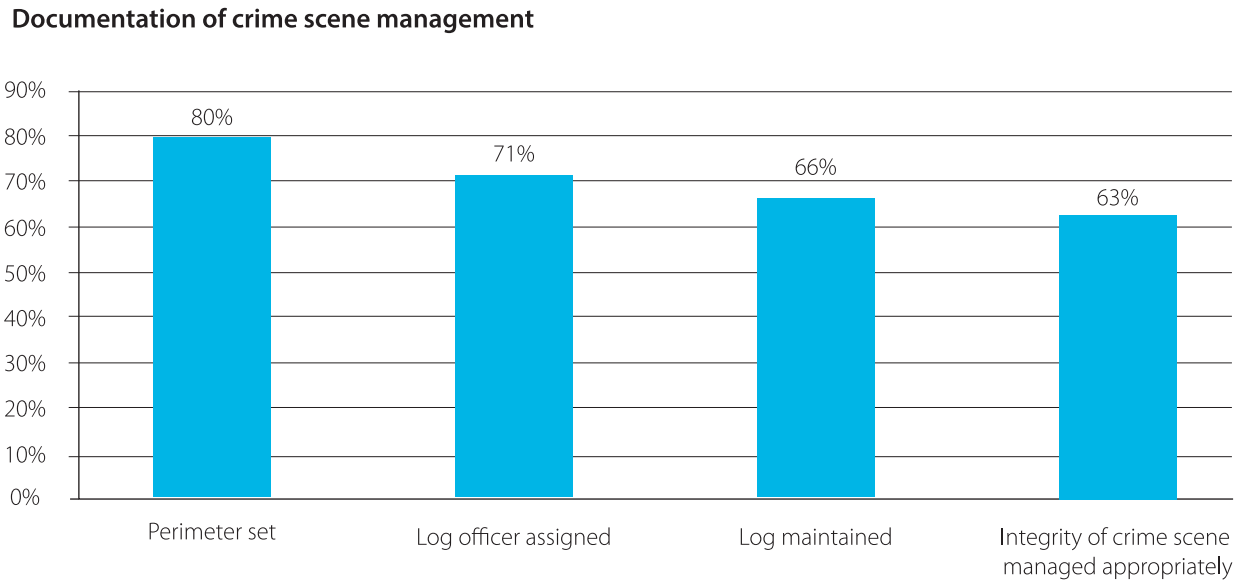
Crime scene management

The documentation of the crime scene management varied. We evaluated whether the following aspects of crime scene management were documented adequately:

- **Setting a perimeter.** Was a perimeter set around the crime scene to control the flow of people?
- **Assigning a log officer.** Was an officer assigned to maintaining a log of all person(s) who entered and exited the crime scene?
- **Maintaining a crime scene log.** Was a log maintained that included all person(s) who entered the crime scene along with the time they exited?
- **Integrity of crime scene.** Was enough documentation provided to demonstrate that the integrity of the crime scene was maintained?

Figure 23 shows how frequently each of these crime scene management functions was documented in the case files. The setting of a perimeter was the most frequent (8 percent) aspect of crime scene management to be documented. Regarding the crime scene log, evaluators commented that often a crime scene log would be part of the case file, but be incomplete. In 63 percent of the cases, evaluators believed there was enough documentation to show that the integrity of the crime scene was managed appropriately.

Figure 23. Crime scene management quality measures



Incident chronology

Our evaluation showed that incident chronology was difficult to discern from the investigative files and was often missing information. Just 60 percent of the case files had documented the chronology of the incident. Table 23 shows other key activities within the OIS that should be part of an incident chronology. Of the case files we reviewed, these were accounted for in an incident chronology between 23 and 54 percent of the time.

Table 23. Incident chronology documented in OIS investigative reports

Incident chronology	Percent
Incident chronology documented	60
Time of shots fired	54
Arrival of supervisors on scene	51
All radio communications	51
Arrival of discharging officers on scene	49
Initial call for service	40
Requests for additional resources	40
Arrival of medical	34
Arrival of all officers on scene	23

Interviews

We evaluated the quality and documentation of interviews of civilian witnesses, witness officers, and discharging officers. As described earlier, witness interviews are conducted by homicide or division detectives, whereas discharging officer interviews are conducted by shooting team investigators, and these interviews tend to occur several months after the incident. This context helps inform our analysis.

The number of civilian witness interviews conducted in a single case ranged from 0 to 28, with an average of 5.5. The number of witness officer interviews ranged from 1 to 21, with an average of 5.1. And the number of discharging officers ranged from 1 to 3, with an average of 1.3.

In all interviews, we assessed the following traits:

- Appropriate use of open and closed-ended questioning
- Thorough and exhaustive questioning
- Lack of bias or leading questioning
- Appropriate follow-up questioning
- Timeliness of the interview

For discharging officers, we also assessed whether tactics and decision making were appropriately addressed during the interview.

Because each case entailed a number of witness and discharging officer interviews, each individual measure was assessed in terms of frequency (i.e., never, rarely, sometimes, mostly, or always). We also rated the overall quality of interviewing of civilian witnesses, witness officers, and discharging officers on a scale from 1 to 5. We present the ratings on overall interview quality here.

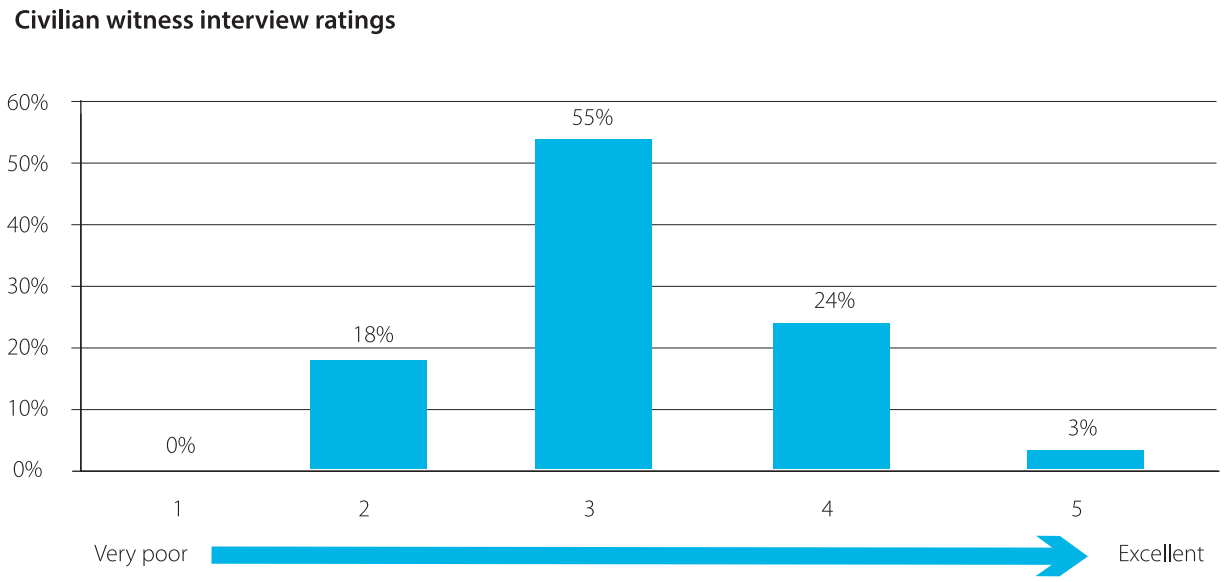
Documentation

The PPD does not audio or video record any witness or discharging officer interviews. All interviews are transcribed on either a computer or paper. Evaluators commented that some of these interviews did not appear to be verbatim and would be more accurately described as summary notes rather than an interview transcript.

Quality

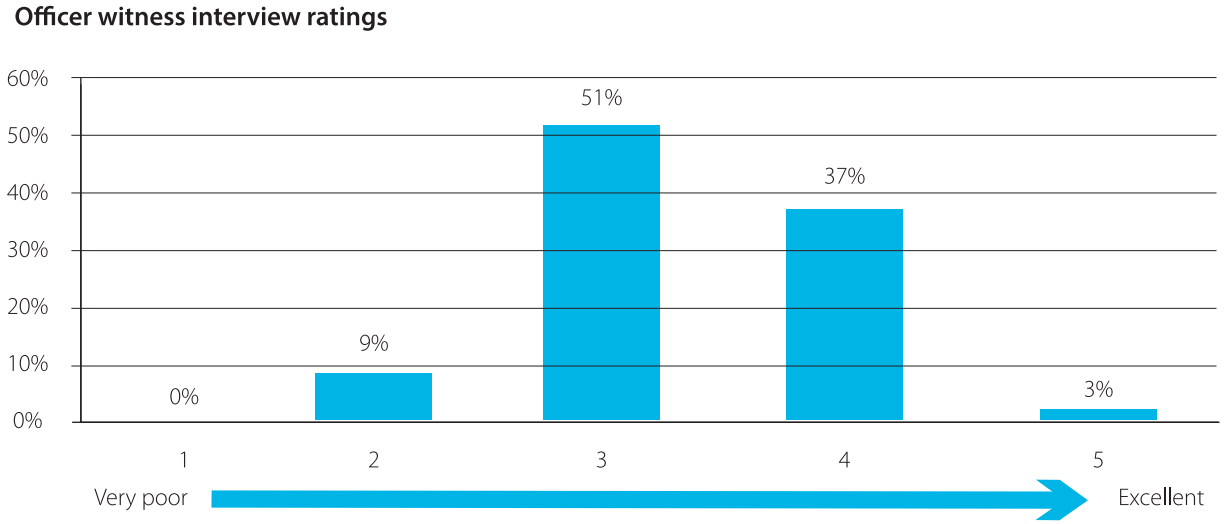
Interview ratings ranged from 2 to 5. Overall, civilian witness interviews were the lowest rated. Most civilian witness interviews were rated as 3; their average rating was 3.1. Figure 24 shows the complete distribution of ratings for civilian witness interviews.

Figure 24. Civilian witness interview ratings



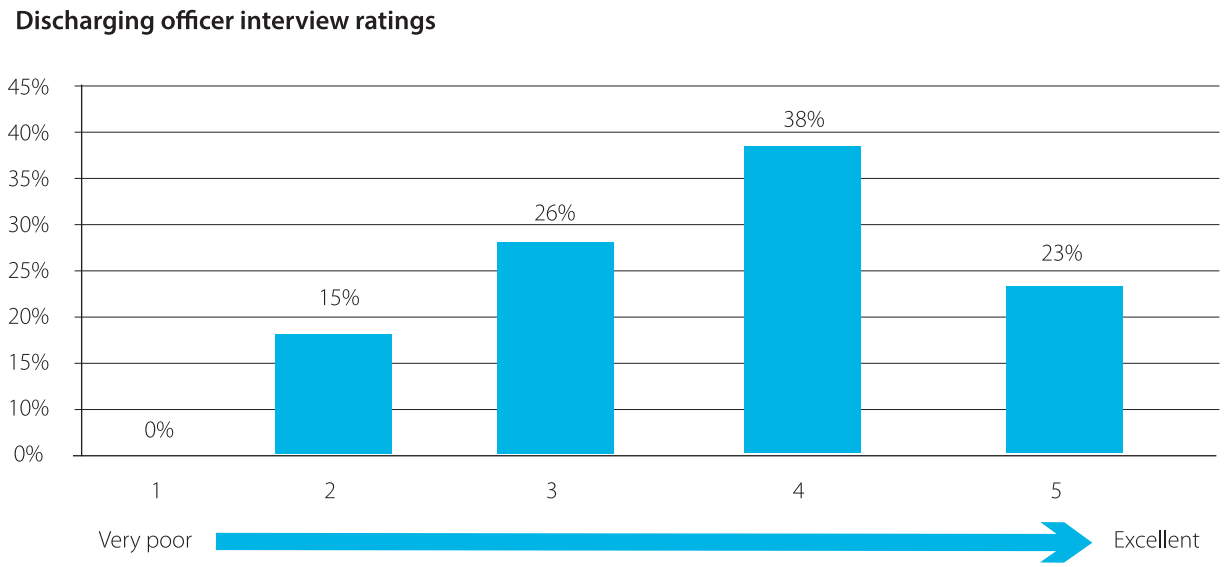
On average, officer witness interviews were rated 3.3. While 51 percent were considered to be a fair quality (rating=3), a large percentage were rated as very good (37 percent) and a smaller number were considered excellent (3 percent). Figure 25 shows the complete distribution of witness officer interview ratings.

Figure 25. Officer witness interview ratings



Discharging officer interviews had the highest rating on average (3.5). However, they were also the least consistent: 15 percent (n=5) were rated as poor. In four of these five incidents, evaluators cited the length of time between the incident and the interview as primary factors that negatively impacted the quality of these interviews. The secondary factor for each was the lack of a reliable recording of the interview. Figure 26 shows a complete distribution of discharging officer interview ratings.

Figure 26. Discharging officer interview ratings



Incident analysis

We identified 30 incident dynamics that should be accounted for when analyzing an OIS. Table 24 shows how frequently these incident dynamics were analyzed by PPD investigators and addressed in the case file. The officers' use of verbal commands and use of departmental policies were addressed in most incident analyses. The crime committed by the suspect is usually part of the case file. However, the analysis of that factor in the officer's decision to pursue the suspect and use deadly force was included less often (58 percent of the time). Other key factors are often missing from the incident analysis. For example, while most incidents involved more than one officer, either as witness or as discharging officer, just 19 percent of the case files analyzed coordination among officers. Very few (13 percent) of the case files reviewed the officers' tactics. Just one out of 35 case files included de-escalation as part of the incident review. Analyses of the officers' history in training, performance evaluations, discipline, and complaints were virtually nonexistent.

Table 24. Frequency of incident dynamics analyzed in PPD OIS investigations

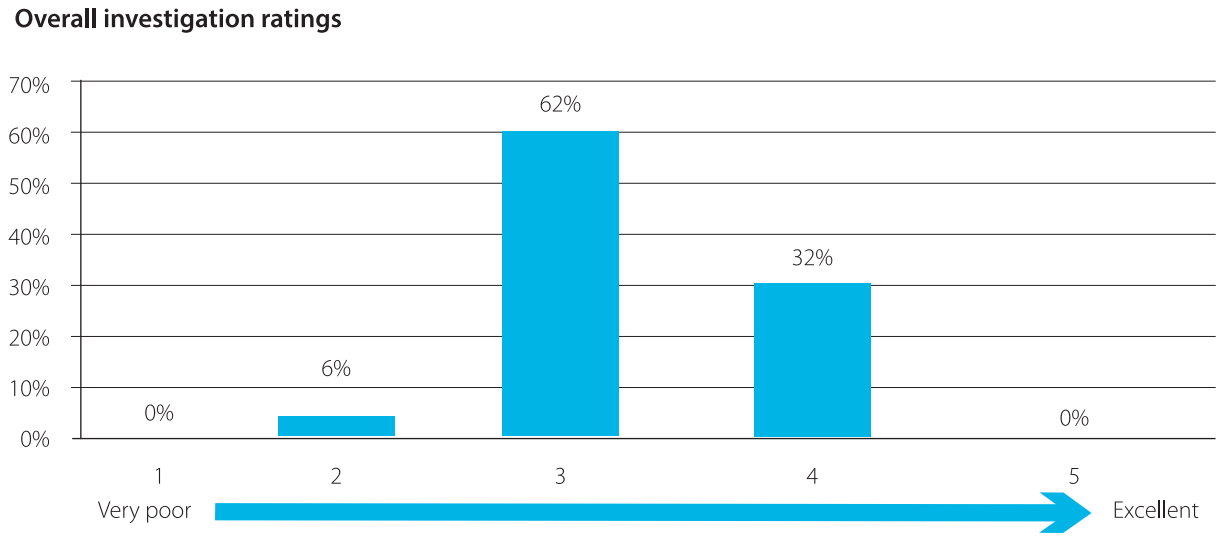
Incident dynamic	Percent (N)	Incident dynamic	Percent (N)
Verbal commands	77% (24)	Command and control	6% (2)
Departmental policies	74% (23)	Equipment	6% (2)
Crime committed by suspect	58% (18)	Sympathetic/contagious fire	3% (1)
Officer attire at time of OIS	48% (15)	Assessment of backdrop	3% (1)
Suspect criminal history	48% (15)	De-escalation	3% (1)
Witness officer actions	39% (12)	Proportionality of force	3% (1)
Laws	35% (11)	Reasonable suspicion	3% (1)
Probable cause	26% (8)	Communications with dispatch	3% (1)

Incident dynamic	Percent (N)	Incident dynamic	Percent (N)
Coordination amongst officers	19% (6)	Availability of cover	3% (1)
Supervisor actions	19% (6)	Officer complaint history	3% (1)
Officer safety	13% (4)	Exhaustion of alternatives	0% (0)
Use of force continuum	13% (4)	Departmental training	0% (0)
Standard tactics	13% (4)	Officer training history	0% (0)
Suspect mental health	10% (3)	Officer performance evaluation	0% (0)
Less-lethal options	10% (3)	Officer disciplinary history	0% (0)

Overall investigation rating

We rated the each investigation as a whole on a 1-to-5 scale. Overall, evaluators believed the investigations were of fair quality. The average rating was 3.2. Two investigations were believed to be poor overall. Figure 27 shows the complete distribution of overall investigation ratings.

Figure 27. Overall investigation ratings



Findings and recommendations

Finding 31

OIS investigations generally lack consistency.

Given the PPD's current structure and process for OIS investigations, the only source of consistency and standardization comes from the IAD shooting team, which responds to all OISs and applies a standard protocol. Our evaluation of investigative quality also showed that shooting team investigators conducted the highest-quality interviews in our sample.

However, much of an OIS investigation is conducted by one of two units, which are vastly inconsistent in their approach. The homicide unit investigates fatal incidents and fields a team of six detectives to do so. The detective division investigates nonfatal incidents and fields a team of two detectives to do so. Notably, neither of these units has specialized training or experience in investigating OISs or any protocols in place for doing so. This distribution of investigative responsibilities can inhibit standardization across OIS investigations. Across all OIS investigations, we found a general lack of consistency in quality. Some investigations were very good and some were very poor. Crime scene photography and canvassing were among the most inconsistent aspects of the investigation.

Recommendation 31.1

The PPD should establish a single investigative unit devoted to criminal investigations of all deadly force incidents.

Deadly force incidents have unique characteristics that make the investigation of such incidents different from other criminal investigative work, even homicide cases.[150] Interview questions and techniques, crime scene analysis, and approaches to canvassing all need to account for the fact that the investigators are dealing with a police use of deadly force, as opposed to other homicides.

All deadly force investigations need to be conducted with the same thoroughness. Establishing a single unit devoted to these investigations will help ensure that a consistent standard is applied. For the purpose of this report, we will refer to this specialized investigative unit that conducts the criminal investigation as a deadly force investigation team (D-FIT). Whether the incident is fatal, injurious, or noninjurious, the decision by the involved officer(s) to use deadly force remains the same. The various outcomes (death, injury, or a miss) are determined by a number of factors such as shooting accuracy, distance, reaction time, and readily available medical care. Note that none of these outcomes is a result of the intent of the officer.

In response to a high number of OISs and calls for organizational reforms, other agencies have established specialized units. Examples are the Baltimore Police Department,[151] Seattle Police Department,[152] Portland (Oregon) Police Department,[153] and Las Vegas Metropolitan Police Department.[154] The PPD's newly established unit should investigate all deadly force incidents, excluding noninjurious accidental discharges and animal shootings. The PPD should staff the unit sufficiently to handle at least 50 OIS incidents annually. The unit should investigate not only OISs, but all deadly force cases and in-custody deaths.

The D-FIT will be the lead unit in the interviews of all civilians and officers, in collaboration with the shooting team. The one exception for interview officers will be any involved officers that must be compelled to give interviews under *Garrity*. Compelled officers should continue to be interviewed by shooting team investigators. D-FIT will compile the entire criminal investigation, gathering all pertinent facts, statements, and evidence.

150. David Hatch and Randy Dickson, *Officer-Involved Shootings and Use of Force: Practical Investigative Techniques* (Boca Raton, FL: CRC Press, 2007).

151. Independent Review Board, *In-Custody Fatality Independent Review Board for the Death of Tyrone West: Findings and Recommendations* (Baltimore, MD: Baltimore Police Department, 2014), http://www.baltimorepolice.org/images/pdfs/newsroom/BPD-IRB-Report-Final.pdf.

152. *Seattle Police Manual Use of Force Policy: Section 8.050* (Seattle, WA: Seattle Police Department, 2013), http://www.justice.gov/usao/waw/press/newsblog%20pdfs/Use_of_Force_Policy_11_27_2013.pdf.

153. *The Portland Police Bureau: Officer-Involved Shootings and In-Custody Deaths* (Los Angeles: Police Assessment Resource Center, 2003).

154. Stewart et al., *Las Vegas Metropolitan Police Department* (see note 110).

Recommendation 31.2

PPD D-FIT members should have the experience and training necessary to conduct thorough and objective OIS investigations.

Members of the newly established unit should have prior major case investigation experience with a strong preference for homicide investigations. Furthermore, all members of the unit should receive specialized training in OIS investigations. The training may be obtained from a variety of vendors or can be developed in-house by instructors who have been certified through specialized courses. The department may also consider consulting with other agencies on their training requirements and programs for OIS investigations.

Recommendation 31.3

The PPD should develop a manual for conducting OIS investigations from a criminal standpoint.

The manual should describe a detailed, step-by-step protocol for investigators to follow and have as a reference point when conducting OIS investigations. The manual will serve as another mechanism for ensuring that all OIS investigations are conducted with a consistent, standard quality. This manual should be developed by staff members who have attended training in the investigation of OISs. The department may also review manuals and operating procedures developed by other large agencies.

The manual should include, at a minimum, the following standardized practices:

- **Canvassing.** Neighborhood canvassing efforts should be thoroughly documented. The investigators should publish a media release with email and phone contact information requesting that witnesses come forward, follow up with all addresses not contacted, and keep a complete list of addresses with the names of those contacted who were part of the canvass. The goal of a canvass is for investigators to be able to identify and interview any potential eye and ear witnesses. The effort should be conducted and documented in a way that makes it replicable.
- **Crime scene management.** All crime scenes should be managed to a quality standard, including consistent documentation in a crime scene log, assignment of a log officer, and setting of a perimeter. The management of the crime scene should be documented in detail in the final investigative report.
- **Interviews and interrogations.** The manual should clearly describe the appropriate practices for interviewing or interrogating all witnesses and involved persons, including interviews of civilian witnesses, witness officers, and discharging officers (if applicable); supervisor roles and responsibilities; taking of a public safety statement; and documentation of interviews and interrogation.
- **Crime scene documentation.** The manual should describe the appropriate steps for a thorough documentation of the crime scene, including video-recorded crime scene walk-throughs, photography, distance measurements, development of crime scene diagrams, and identification of physical and forensic evidence. Photographs should always be labeled with the perspective from which they were taken and items of importance. All suspects, involved officers, casings, and projectiles should be photographed and labeled.
- **Report writing.** All reports should thoroughly document the investigation, including complete statements, all photos (in a readable format), crime scene diagrams, and complete forensic and analytic reports. In addition, there should be a single source narrative document that provides a chronological summary of the incident, to include all precursor events, enforcement, and investigative actions taken.

Finding 32

PPD officers involved in a shooting provide a "public safety statement" to the transporting supervisor regarding the crime scene, evidence, suspects, and witnesses. In practice, the statement lacks structure and consistency.

The purpose of the "public safety statement" is to address any emergency circumstances that may exist, such as the need to capture a fleeing felon or search for additional victims, possible witnesses, the extent of the crime scene, and the direction of all rounds fired. However, the utility of these statements varies widely, depending upon the questions asked by the transporting supervisor.[155] There is no established set of questions or information to be gathered by the transporting supervisor. A poor public safety statement can impact the ability of the investigators to reconstruct the crime scene and locate evidence and potential witnesses. Many of the public safety statements reviewed for this assessment were believed to be too informal. In many cases, reviewers did not believe that the statement collected from the transported supervisor constituted a "public safety statement."

Recommendation 32.1

The PPD should develop a standard checklist of items constituting a public safety statement that transporting supervisors must obtain from an officer involved in a shooting.

The PPD should create a policy that specifies all pieces of information a transporting supervisor is expected to gather in the event of an OIS. All supervisors should be made aware of the policy and be issued a standard checklist to use when performing this duty.

The check list could include the following items:[156]

- Type of force used
- Direction of shots fired
- Knowledge of any injured persons and their location
- Knowledge of any suspects at large
- Time lapse of the event
- Any knowledge of witnesses, including names, descriptions, and locations
- Any knowledge of evidence at the crime scene
- The scope of the crime scene

Recommendation 32.2

The transporting supervisor should conduct a walk-through of the scene with the discharging officer(s).

It is currently not standard PPD practice for the transporting supervisor to conduct a walk-through of the scene with the discharging officer(s). This is a limiting factor, because the supervisor cannot visualize the scene while the officer is describing what occurred. By conducting a walk-through with the discharging officer(s), transporting supervisors will be better able to assist investigators in the crime scene investigation and incident reconstruction.

155. CNA interviews.

156. "Administrative Investigations of Police Shootings and Other Critical Incidents: Officer Statements and Use of Force Reports Part Two: The Basics," *AELE Monthly Law Journal* 8 (August 2008), http://www.aele.org/law/2008FPAUG/2008-8MLJ201.pdf.

Finding 33

The PPD's current practice for recording interviews of witnesses and discharging officers is through typed notes.

In all major case investigations, including OISs, PPD investigators take what they refer to as "verbatim statements" via typed transcriptions. This means that an investigator is sitting at a computer, typing in questions and answers as they occur in real time. These statements are often not signed by the officer.[157] The compelling concern with this practice is that the statements are not a verbatim recording of the information. Ultimately, responses will be summarized or rephrased when individuals without the skills and training or an actual stenographer are typing the transcriptions. This can lead to a number of issues, such as incompleteness, inaccuracies, or unintentional bias. This also poses difficulty in determining the appropriateness and thoroughness of interviewing techniques used by investigators.

Recommendation 33

The PPD should establish a policy that interviews of all critical witnesses and suspects in the course of an OIS investigation will be video and audio recorded.

Video recording interviews will increase public confidence and demonstrate fairness and impartiality in the PPD's investigative procedures. From an investigative standpoint, video recordings can provide investigators, courts, and juries with an added perspective that photos and audio recording cannot provide.[158] A video-recorded interview will allow for an unadulterated, objective view of the interview and allow viewers to observe the behavior of both the interviewers and interviewees.

The policy should specify that interviews with all critical civilian witnesses, officer witnesses, suspects, and discharging officers should be video recorded. At a minimum, critical witnesses should include any officer or civilian who witnessed the shooting, any officer who discharged his or her firearm, and any supervisors who were involved in managing the incident before or during the use of force either by radio or on the scene.

Segments of the video-recorded interviews should be incorporated into the UFRB presentation and hearing. In addition, all video-recorded interviews, with the exception of the discharging officer (unless voluntary), should be included as part of the OIS case file sent to the SIU for review.

Finding 34

Control of the initial crime scene is assigned to the criminal investigators on an informal basis. As a result, there is a general lack of consistency in the quality of crime scene control and integrity.

Based on our review of PPD investigations, crime scene logs were frequently messy and incomplete. Sometimes, people signed in but did not sign out. Other times, there were multiple crime scene logs that did not match. In general, crime scene management was poorly documented in the PPD case files we reviewed.

157. CNA interviews.

158. George Fachner and Steven Carter, *Collaborative Reform Model: Final Assessment Report of the Las Vegas Metropolitan Police Department* (Washington, DC: Office of Community Oriented Policing Services, 2014), http://ric-zai-inc.com/Publications/cops-p287-pub.pdf.

Recommendation 34

The PPD should establish a policy that control of an OIS crime scene must be assigned to the criminal investigative unit.

D-FIT should work collaboratively with the IAD shooting team to sufficiently document the scene before the scene is released. The time of the release of the crime scene should be documented in each OIS investigation. In addition, the person(s) in charge of the crime scene and who authorized its release should be documented in each OIS investigation. All incidents should document the perimeter of the crime scene, the assignment of a log officer, and a complete crime scene log to maintain the integrity of the crime scene and its documentation.[159]

Finding 35

Crime scene photos of OIS incidents are inconsistent and often lack the appropriate perspectives and details.

We found that crime scene photos for OIS incidents were exceptional at times and inadequate at other times. This lack of consistency is evidenced in investigatory reviewers' ratings on the overall quality of crime scene photos and the account of perspectives and items of importance in crime scene photos. Although most investigations included adequate crime scene photos and labeling, a sizable proportion did not, indicating an overall lack of consistency.

Recommendation 35.1

The PPD should establish a standard for OIS crime scene photography to be incorporated into its OIS investigations manual.

The PPD's OIS investigation manual should outline or reference the proper techniques and documentation of crime scene photos from the lead investigator's standpoint. All crime scene photos should be labeled with the perspective from which they were taken and any significant items that appear in the photos should be labeled. All officers and suspects (when possible) should be photographed in the attire they were wearing at the time of the incident.[160] All photos should be included in the investigative file and sent to the DAO and all PPD personnel involved in the administrative review of the incident.

Recommendation 35.2

The crime scene should be video recorded.

Preservation of the crime scene is essential to the integrity of the investigation. Although a photo log has sufficed throughout much of police history, an emerging practice in crime scene documentation is the use of video. In addition to photos, the PPD should video record the crime scene. Doing so will provide supervisors and investigators with an additional perspective on the incident and the spatial relationships between different parts of the crime scene.[161] In addition, still photos render light differently from video. For example, at night, photos show either a very brightly lighted scene or a very dark scene. Video shows a truer visual representation of the scene as it occurred. Investigators should conduct a video walk-through of the scene and capture relevant views and angles as they relate to the OIS.

159. National Forensic Science Technology Center, *Crime Scene Investigation: A Guide for Law Enforcement* (Washington, DC: National Institute of Justice, 2013).
160. Ibid.
161. Hatch and Dickson, *Officer-Involved Shootings* (see note 150).

Finding 36

The IAD shooting team waits for the DAO to decline charges against an officer before it interviews discharging officers and closes its investigation. As a result, most officers involved in shootings are not interviewed until three or more months after the incident occurred.

Presently, the IAD is the primary point of contact with the SIU, which reviews the criminal investigation of OISs and makes a decision on whether to pursue criminal charges. This puts the IAD in the peculiar position of serving as liaison for a potential criminal investigation of an officer and compelling statements from discharging officers that are protected from use in the criminal investigation. The PPD addresses the potential conflict of interest in part by not conducting the compelled interview with the discharging officer until after the DAO has declined charges.[162] As a result, the interview is often not conducted until months after the incident. In other words, a detailed interview with the most critical witness (the involved officer) doesn't occur until many months after the incident. Yet research has shown that critical incidents can have a profound impact on officer memory.[163] The PPD's approach calls into question the reliability of the officer's recall and memory.

Recommendation 36.1

The PPD should revise its policy and practice so that the criminal investigative unit assigned to each OIS is the primary point of contact with the DAO. The IAD should be extricated from this role.

The criminal investigation of the incident should be led by a single investigative unit in the PPD. That unit should be the sole liaison with SIU and DAO's criminal prosecutors. By doing this, the department will ensure that compelled statements and information derived from those statements are completely walled off from the criminal case. It will also enable the IAD to interview discharging officers sooner without concern of contamination between the administrative investigation and the criminal investigation.

The IAD will still have access to the entire criminal investigation file. Shooting team investigators will still be able to participate in any and all interviews that are part of the criminal investigation. However, the IAD will not have any responsibility or authority related to the criminal investigation. The IAD must conduct its own parallel administrative investigation.

Recommendation 36.2

The shooting team should conduct interviews with the discharging officer(s) as soon as practical, but not later than 72 hours of the incident.

There is no consensus on the timeframe in which discharging officers should be interviewed in the wake of an OIS. There is little research specific to the effect of time on officer recall of an OIS. One noteworthy pilot study found that officers in simulated critical incidents had better recall immediately after the event than they had three days later. However, the authors urge caution and call for more research on the topic, concluding that police departments should consider the timing of officer interviews on a case-by-case basis.[164]

162. *Office of Professional Responsibility Policy on Officer-Involved Shootings* (Philadelphia: Philadelphia Police Department, n.d.).
163. David Klinger, *Responses to Officer-Involved Shootings* (Washington, DC: National Institute of Justice, 2001).
164. Geoffrey Alpert, John Rivera, and Leon Lott, "Working toward the Truth in Officer-Involved Shootings," *FBI Law Enforcement Bulletin* 81, no. 5 (2012): 1–7, http://leb.fbi.gov/2012/may/leb-may-2012.

Some agencies have a policy to interview the officer immediately, as has been recommended by the Police Assessment Resource Center (PARC).[165] The International Association of Chiefs of Police (IACP) Psychological Services Section insists that officers be given some time to recover after an incident while noting that this can range from a few hours to several days. Many departments afford officers anywhere from one to three sleep cycles, which is consistent with guidelines set forth by Americans for Effective Law Enforcement (AELE).[166] In the PPD, administrative investigations should no longer wait for the completion of a criminal investigation or the declination of charges by the DAO. PPD shooting team investigators should interview officers as soon as all other interviews have been completed but not longer than 72 hours after of an OIS, which would bring the department within current guidelines and common practices for OIS investigations.[167]

Recommendation 36.3

The IAD should set a goal to close administrative investigations within 30 days of the DAO's declination.

From 2007 to 2013, it took the IAD an average of 100 days to complete an administrative case after the DAO declined to pursue charges. With adoption of the new practice of discharging officers being interviewed soon after the OIS, this lag in the completion of the investigation should be significantly reduced. The PPD should set a goal to close administrative investigations within 30 days of the DAO's declination. This will, in turn, move up the timeframe in which the UFRB can take place and therefore improve the timeliness with which the department rectifies any issues identified in the administrative investigation.

Recommendation 36.4

All interviews of discharging officers should be video recorded.

Current PPD policy states that IAD investigators will take the officers' statements and ask them to sign each page as it transcribed by the investigators. This sort of documentation is subject to error through miscommunication or unintentional bias in the investigator's interpretation of what was said. Our review of investigative files noted that these interviews did not appear to be transcribed verbatim. Video recording interviews with officers can increase public confidence and demonstrate fairness and impartiality in PPD's investigation of officers involved in shootings. From an investigatory perspective, video can provide investigators, courts, and juries with an added perspective that photos or audio recordings cannot provide. Video recorded interviews should be part of the UFRB presentation and hearing. If the interview is compelled, the transcript and video should not be sent to the DAO as part of the investigative file, as they are protected by *Garrity*. All video interviews should be protected from public disclosure through policy and protocols set forth by the PPD.

165. Police Assessment Resource Center, *The Portland Police Bureau: Officer-Involved Shootings and In-Custody Deaths* (Los Angeles: Police Assessment Resource Center, 2003).

166. "Administrative Investigations of Police Shootings and Other Critical Incidents: Officer Statements and Use of Force Reports, Part One: The Prologue," *AELE Monthly Law Journal* 6 (June 2008), http://www.aele.org/law/2008FPJUN/2008-6MLJ201.pdf; Drew Tracy, "Handling Officer-Involved Shootings," *The Police Chief* 77, no. 10 (2010), http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2213&issue_id=102010.

167. Hatch and Dickson, *Officer-Involved Shootings* (see note 150).

Finding 37

The PPD lacks official training requirements for IAD shooting team members.

The IAD shooting team has significant experience in conducting internal affairs and OIS investigations. However, there are no official requirements for shooting team investigators in terms of experience or training.

Recommendation 37

Current and future members of the shooting team should be required to receive specialized training in OIS investigations.

All shooting team investigators should be required to complete specialized training on OISs. The training can be obtained from a variety of vendors or developed in-house by instructors who have been certified in one of these specialized courses.

Finding 38

The shooting team does not have a formal process for consulting with subject matter experts to inform their investigation and findings.

The shooting team occasionally consults with other members of the department, but this process has not been formalized. These sorts of discussions and insights were frequently missing from investigative files reviewed by our investigation review panel.

Recommendation 38

The shooting team should establish a policy to review its investigation and findings with other departmental experts.

Investigators should consult with training staff, tacticians, and other experts to address officer decision making and tactics during the OIS. Experts in specialized topics such as defensive tactics, officer safety, firearms training, crime scene management, or crisis intervention can illuminate conflicts in the officers' actions and departmental procedure and training.

Finding 39

The scope of shooting team investigation focuses solely on policy while largely neglecting officer tactics and decision making.

Our review of OIS investigative files found that there was rarely any discussion of tactics and decision making by the IAD. The incident analysis was found to be minimal. Tactical reviews are an emerging best practice. They aid the department in identifying performance issues that do not reach the threshold of policy violation, but require remediation through training and possibly department-wide reforms.[168]

168. Samuel Walker and Carol Archbold, *The New World of Police Accountability* (Los Angeles: Sage Publications, 2014); Stewart et al., *Las Vegas Metropolitan Police Department* (see note 110).

Recommendation 39.1

The shooting team should significantly enhance its investigative scope to include officer tactics and decision making.

In addition to their policy investigation, the shooting team should investigate the tactics and decision making of all officers, dispatchers, and supervisors, including but not limited to communications, assessment of backdrop, officer safety, officer coordination, cover and concealment, less-lethal options, exhaustion of other alternatives, supervision, incident command, and de-escalation. This enhanced scope should be reflected in interview questions, consultations with other department experts, and investigative reports.

Recommendation 39.2

Shooting team investigative reports should highlight findings and any inconsistencies in policy, procedure, and training for the UFRB to evaluate in its decision.

Shooting team reports, by design, describe the incident, crime scene evidence, and witness accounts of the incident. Given the shooting team investigator's knowledge and experience investigating the case, they should clearly delineate officer actions and relevant departmental policy, procedure, and training. This will foster better deliberation during UFRB hearings and ultimately more informed decisions.

Recommendation 39.3

The shooting team should develop an operations manual delineating all of its investigative activities, reporting, and role in the review process.

The manual should describe a step-by-step process for conducting an administrative investigation of OISs. It should be written in a way that each investigation will be standardized and replicable from start to finish. The shooting team manual should be separate from the criminal investigation manual for OISs.

Chapter 8. Use of Deadly Force Review and Officer Accountability

Overview

In this chapter, we assess the process by which Philadelphia Police Department (PPD) reviews officer-involved shootings (OIS) internally, holds officers accountable, and learns and self-corrects from those incidents. We assess the department's case review program, which the department uses to monitor all officer behavior, including complaints, off-duty actions, uses of force, and deadly force. We also assess the PPD's Use of Force Review Board (UFRB) and Police Board of Inquiry (PBI), which are distinct but related decision-making boards for deadly force incidents. Last, we examine the rate at which the PPD disciplines officers as the result of an OIS and the nature of that discipline.

We reviewed all of the Office of Professional Responsibility's (OPR) policies, directives 10 and 22 on use of force, and a sample of memoranda regarding UFRB decisions. We interviewed members of the UFRB, the PPD's charging unit, and various members of internal affairs. We also observed the UFRB in hearing and reviewing 20 OISs. Finally, we examined outcome and disciplinary data from all completed PBI cases arising from OISs that occurred between 2007 and 2013.

The following sections describe the case review program, UFRB, and PBI. We then present five key findings and 12 recommendations to reform the PPD's OIS review and accountability process.

Case review program

Although over two decades old, police early intervention systems (EIS) remain largely untested and unverified. The PPD has operated an early intervention system, which it calls the case review program, since 1995. It is designed to identify officer behavior that indicates the potential for misconduct and address the behavior through counseling before it becomes a problem for the officer or department. On a 12-month rolling basis, the system collects various officer data and sets occurrence thresholds for each type of incident that trigger a review. Table 25 illustrates the PPD's current data and thresholds.[169]

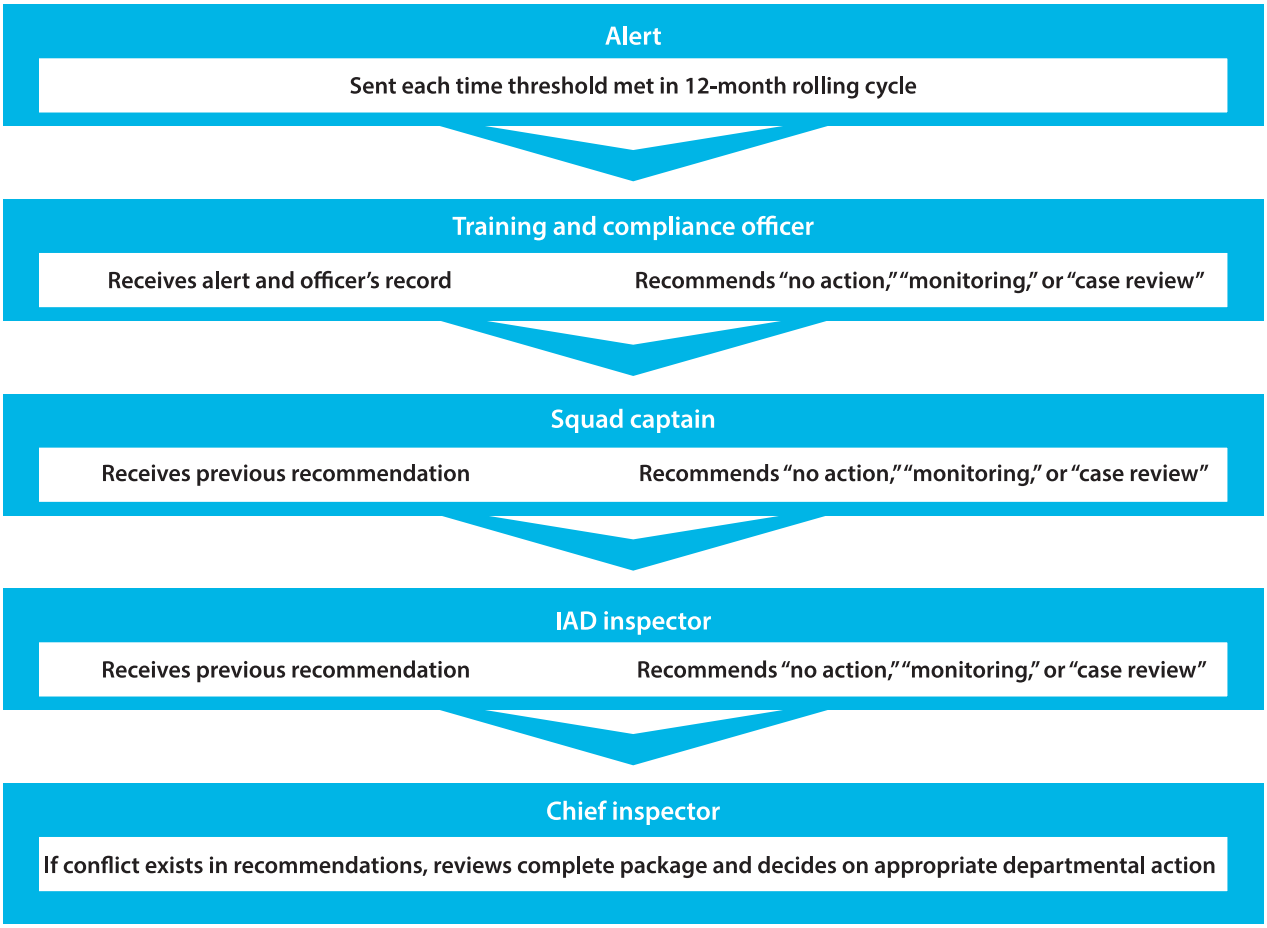
Table 25. Case review program thresholds

Incidents	Threshold
Public complaints	3
Internal investigations	2
Off-duty actions	2
Deadly force	2
Use of force on other officer	2
Use of force	6
Protection from abuse	2
Police board of inquiry	3
Any combination	10

169. *Office of Professional Responsibility Policy # 35 IA Pro (Alert/Monitoring System)* (Philadelphia: Philadelphia Police Department, 2014).

The case review program operates out of the Internal Affairs Division (IAD). When an officer reaches a threshold on any of the data points listed above, it triggers a series of reviews and recommendations based on the officer's record. Figure 28 illustrates the review process.

Figure 28. Case review program process



If it is agreed by all parties that an officer requires counseling, a review session is held at IAD headquarters involving the subject officer, the subject officer's commanding officer, the subject officer's immediate supervisor, and members of the IAD.[170]

PPD internal review of OISs

Current PPD practice is for any sustained allegation of any policy violation to be forwarded to the PBI for a hearing.[171] Typically, a complaint is investigated by the IAD and forwarded to the PBI if investigators find any policy violations. However, deadly force incidents are first reviewed by the UFRB, which makes the decision on any misconduct and forwards cases as appropriate to the PBI to charge the officer administratively.

170. Ibid.

171. "Complaints against Police and Internal Investigations," *Office of Professional Responsibility Policy No. 10* (Philadelphia: Philadelphia Police Department, 2014).

Use of force review board

The UFRB hears all officer-involved shootings, including accidental discharges and animal shootings. The board comprises the following members:[172]

- Deputy Commissioner of Organizational Services
- Deputy Commissioner of Office of Professional Responsibility
- Deputy Commissioner of Major Investigations
- Deputy Commissioner of Field Operations

The purpose of the board is to "review the totality of circumstances and issue a final determination of whether the force deployed was appropriate or the officer had probable cause to use deadly force."[173]

The board meets quarterly to review multiple OIS cases. Prior to the hearing, the IAD shooting team sends the entire case file to the chairperson of the board, who then distributes the file to members of the board. At the board hearing, shooting team investigators give an informal briefing for each incident.[174] Board members may ask questions about the facts of the incident and investigation. However, the shooting team does not draw conclusions about the appropriateness of the officer's actions. The board deliberates openly on the facts and circumstances of the case and whether the officer's actions were appropriate. A formal vote concludes each hearing. A majority vote is required for the case to be sent to the PBI for a formal disciplinary hearing.

This past year, the board updated its selection of findings to be more comprehensive. The board can now make any of the following findings regarding an OIS:[175]

- **Administrative approval.** If the review indicated that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked "Justified Use of Force within Departmental Policy."
- **Improve tactics or decision making.** If the review indicated that the actions of the officer were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, but the officer's tactics or decision making could be improved where the force became necessary, the review will be marked "Justified Use of Force within Departmental Policy—Tactical/Decision Training Recommended."
- **No use of force violations, but other departmental violation discovered.** If the review indicated that the actions of the officers were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, but other departmental violations not related to the use of force are discovered, the review will be marked "Justified Use of Force within Departmental Policy—Other Violations Discovered."
- **Policy or departmental training issues.** If the review indicates that an undesirable outcome occurred regarding the use of force and the force appears reasonable, but no actual policy or training currently exists regarding the subject matter, the case will be marked "Justified Use of Force within Departmental Policy—Review of Departmental Policy or Training Recommended."

172. Philadelphia Police Department, *Directive 10* (see note 20).
173. Ibid.
174. CNA observations.
175. Philadelphia Police Department, *Directive 10* (see note 20).

- **Administrative disapproval.** If the review indicated that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary, or excessive, even under extraordinary circumstances, the case will be marked "Not within Departmental Policy." The chairperson will notify the police commissioner in writing and forward the case to the charging unit for the appropriate disciplinary charges to be filed against the officer.

Police board of inquiry

If the UFRB finds that an officer violated PPD policy, a memorandum stating the policy violation is sent to the charging unit of the PPD. The charging unit then reviews the UFRB memorandum and makes the following decisions:

- Can the officer be charged with a policy violation?
- If so, what is the applicable disciplinary action given the PPD's disciplinary matrix?

In cases where the charging unit agrees with the UFRB, a police advocate is responsible for presenting the case for discipline at the PBI. The police advocate makes the department's case while the officer and a representative make his or her case in an adversarial, due process hearing. A panel of three sworn officers, consisting of one captain, one lieutenant, and one peer officer, serve as a jury and decide if the officer is not guilty or guilty of the policy violation. Alternatively, officers can plead "guilty" and avoid the PBI hearing.

In contrast to the UFRB, PBI hearings have representation for the discharging officer(s) and the department. Witnesses for both sides of the case are called to testify, including the shooting team investigators who investigated the case.

Officers found guilty at PBI hearings may avail themselves of the arbitration process if they seek to overturn or reduce disciplinary action.

PPD OIS case processing

We analyzed all OIS incidents that fit our criteria, were reviewed by the UFRB, and were forwarded to the PBI for remedial action between 2007 and 2013. This accounted for a total of 88 PBI cases, each of which represents an involved officer. Table 26 shows the distribution of penalties in these cases. The most common outcome of a PBI hearing is "training and counseling," which the PPD does not consider disciplinary action. Notably, the UFRB may issue training and counseling without further review by the PBI. Cases forwarded from the UFRB to the PBI are explicitly in response to an identified policy violation. The next most frequent outcome is an "official reprimand" followed by a finding of "not guilty." Officers were suspended 20 percent of the time, with suspensions ranging from 1 to 30 days. Five officers were recommended for termination. One officer retired.

Taken as a whole, these 88 cases represent incidents in which the UFRB found that an officer violated a policy in the course of an OIS incident. Based on our review of PBI outcomes, the UFRB's findings were essentially invalidated nearly half of the time. This accounted for all incidents in which the PBI found officers not guilty (18 percent) or only in need of training and counseling (30 percent).

Table 26. Distribution of penalties issued by PBI resulting from OIS cases

Penalty	N	Percent
Not guilty	16	18.2
Training and counseling	27	30.7
Official reprimand	21	23.9
1 day suspension	4	4.6
2 day suspension	3	3.4
3 day suspension	3	3.4
4 day suspension	2	2.3
5 day suspension	1	1.1
7 day suspension	1	1.1
10 day suspension	1	1.1
20 day suspension	2	2.3
30 day suspension	1	1.1
Termination	5	5.7
Retired	1	1.1
Total	88	100.0

We requested arbitration outcomes from the PPD for all OIS-related arbitration cases. We found that disciplinary action for a total of four OIS incidents occurring between 2007 and 2013 have been challenged thus far. Of those four, the department has settled three times. In one case, the department agreed to pay an officer in lost overtime wages. In another case, the department agreed to expunge a counseling memo that resulted from an OIS. And in the third case, the department agreed to transfer an officer to one district rather than another. In the one case that has gone to arbitration, the arbiter reduced the officer's discipline from a 30-day suspension to a seven-day suspension and awarded the officer compensation for lost wages. The OIS involved shooting at a motor vehicle.

Findings and recommendations

Finding 40

The UFRB and PBI are duplicative processes that at times have conflicting outcomes. This sends a mixed message to members of the department and causes unnecessary internal strife.

The PPD has two separate but connected review processes in place for OISs; at times they result in different outcomes. The UFRB comprises solely high-ranking command staff, whereas the PBI has a more diverse set of ranks and fewer voting members. In addition, the PBI process allows for the calling and questioning of witnesses, whereas the UFRB does not. Some interview participants believed that the PBI undermines the findings of the UFRB and has meted out too little discipline.[176] Our examination of PBI disciplinary data showed that half of the cases UFRB forwards to the PBI are resolved without formal discipline. We attribute this to the different process and voting membership of each of the processes.

176. CNA interviews.

Recommendation 40.1

The PPD should dismantle the two-board system for OISs and combine the functions of the UFRB and PBI into one integrated board.

The integrated board would eliminate the inherent conflict in the current two-board system, and allow the department to speak with one voice in terms of officer misconduct and accountability. Findings of the board should be forwarded directly to the police commissioner. The integrated board should be held only for intentional discharges involving persons, injurious accidental discharges, or other uses of force that result in death or serious bodily injury. The goal of the board should be to determine whether any policy violations occurred and whether there are any lessons to be learned regarding tactics and decision making of all officers and supervisors involved. The board should also ensure that when officers are present and being questioned, they have representation, affording them the due process afforded to all employees.

Recommendation 40.2

The newly established board should conduct a comprehensive review of each incident.

The board's scope should not be limited to the moment of deadly force itself. The review process should enhance scrutiny of these incidents from all angles, including department-wide policy and training deficiencies, tactical decision making of all officers and supervisors, from the beginning of the incident, up to the moment of force itself. This can help the PPD continually learn and improve as an organization, while also holding the officers accountable when needed.[177]

At a minimum, the board should review the following incident factors, as presented by shooting team investigators:[178]

- Communications
- Tactical decision making
- Officer coordination
- Tactical and verbal de-escalation
- Verbal commands
- User of cover and concealment
- Number of shots fired
- Use of force continuum
- Less-lethal options
- Legal justification for deadly force
- Exhaustion of other options
- Incident management
- Supervision

177. Fachner and Carter, *Las Vegas Metropolitan Police Department: Final Report* (see note 158).
178. Hatch and Dickson, *Officer-Involved Shootings* (see note 150); Stewart at al., *Las Vegas Metropolitan Police Department* (see note 110).

- Crime scene investigation
- Global PPD policy and training review
- Historical review of involved officers training, disciplinary record, and prior uses of force, including OISs

Recommendation 40.3

Voting board members should include command staff, a sworn officer one rank higher than the involved officer, a peer officer, and at least one citizen representative.

The board should always include the following command staff as voting members:

- Deputy Commissioner, Organizational Services
- Deputy Commissioner, Office of Professional Responsibility
- Deputy Commissioner, Major Investigations
- Deputy Commissioner, Patrol

In addition, the board should adopt the PBI policy of having a one peer member and an officer of one rank higher as voting members. Neither of these members should be from the same command as the involved officer.

Finally, the community should be included in the review process that rules on the most critical conflicts between the police and the public.[179] The board should have at least one citizen with voting power. The PPD and the Police Advisory Commission (PAC) should work together to develop a pool of citizen board members. The citizens will have to be trained and familiarized in the PPD's policies, procedures, and use of force training. The citizen representative should not be in law enforcement, have law enforcement experience, or have any close family members in law enforcement. In addition, citizen members should not have pending lawsuits against the department. Citizen members should sign a nondisclosure agreement related to the details of the case and hearing in which they participated.

Recommendation 40.4

Shooting team investigators should make a formal presentation of the facts to the board, highlighting any potential conflicts and key points for deliberation among the board.

At a minimum, the presentation should include the following components:

- Case summary
- Identification of all officers and supervisors involved
- Satellite view of the scene
- Timeline of incident
- Critical decision points
- Annotated crime scene photographs
- Photographs of involved officers and subject, if available, as they appeared at the time of the incident
- Any injuries or fatalities associated with the incident

179. Hatch and Dickson, *Officer-Involved Shootings* (see note 150).

- Impact and recovery of all rounds
- Officers' training records pertinent to the incident
- Review of all training pertinent to the incident
- Review of relevant policies and officers' actions as they pertain to the policy
- Review of relevant training and officers' actions as they pertain to the training

Recommendation 40.5

Board members should have the opportunity to call witnesses and ask questions related to the incident.

Witnesses could include, but not be limited to, shooting team investigators, officer witnesses, civilian witnesses, departmental experts, outside experts, and discharging officers. Discharging officers should be required to participate on the board and answer questions.[180] If an officer's participation is not voluntary, the department should issue a *Garrity* warning and compel the officer to participate. Discharging officers may also have representation with them if desired. Questions may only be asked by voting board members. The questions should be nonadversarial and fact-finding in nature. Shooting team investigators should not be asked their opinion regarding whether a policy violation has occurred. They are present as fact finders and investigators only.

Recommendation 40.6

After board proceedings are complete, voting members should deliberate the case and issue a finding by majority vote.

All nonvoting members should exit the meeting space for the deliberations and return when a decision has rendered. The PPD's revised findings structure for UFRB hearings positions the department better to take remedial action as the result of an OIS. Recent experience with the Las Vegas Metropolitan Police Department, for example, showed the agency increased its ability to issue discipline and training with a similar change.[181] PPD's board could further refine its findings to include the following:

- **Administrative approval.** The officer's actions were within PPD policy. The officer exhibited good to excellent judgment and tactics. PPD policy and training adequately addressed the situations. Commendations may be recommended if deemed appropriate.
- **Remedial training and counseling.** The officer did not violate any PPD policies, but better judgment and tactics were available. This finding should be accompanied by references to the exact circumstances in which the officer needs additional training or counseling.
- **Policy violation.** The officer violated PPD policy. This finding should be accompanied by references to specific policies and officer actions that violated said policies. Upon rendering this finding, the charging unit will determine the administrative action to be taken, as outlined in the PPD disciplinary code, and forward the charges to the commissioner for review.
- **Department-wide policy failure.** Current PPD policy failed to adequately address the circumstances and provide proper guidance to the officer. The finding should be accompanied by references to the exact circumstances and identified gap in policy.

180. Ibid.

181. Fachner and Carter, *Las Vegas Metropolitan Police Department: Final Report* (see note 158).

- **Department-wide training failure.** Current PPD training failed to adequately address the circumstances and provide proper skills and guidance to the officer. The finding should be accompanied by references to the exact circumstances and identified gap in training.

These findings should not be considered mutually exclusive. All findings should be forwarded to the commissioner's office for review and appropriate action.

Finding 41

The PPD's disciplinary code section on firearm discharges is too encompassing. As a result, the penalty for violating this code ranges widely from reprimand to dismissal for first, second, and third offenses.

The PPD's disciplinary code lists section 6-§008-10 as "Discharging, using, displaying or improper handling of a firearm while not in accordance to Departmental Policy."[182] This sweeping charge covers all firearms-related violations, ranging from accidental discharges to excessive force. As a result, the disciplinary action for violating this code ranges widely from a simple reprimand to outright dismissal. No other section in the disciplinary code is structured in such an open-ended way. As written, the current code would allow for a reprimand for a third-time offender of the department's deadly force policy.

Recommendation 41

The PPD should delineate the various firearms-related violations in its disciplinary code and the penalties for first, second and third time offenders.

Discharging a firearm is one of the most important and consequential decisions an officer can make. Charges and penalties should reflect the various circumstances under which discharging a firearm may violate policy. For instance, accidentally discharging a firearm into a locker door should not fall under the same code as putting oneself in a position of peril and forcing a deadly confrontation with a moving vehicle.

Finding 42

The process for reviewing OISs in the PPD is separated from the department's commendatory process. As a result, officers may be issued commendations for actions that were less than commendable.

A supervisor or officer may compose a version of the incident that justifies a commendation but does not reflect the facts of the case or the opinion and findings of the board. Some interview participants commented on this issue during our conversations, citing that commendations occasionally did not resemble the incident they had reviewed. One problem with this practice is that it can result in an expectation that any officer involved in a shooting will receive a medal. There are many occasions on which officers display great heroism and deserve special recognition. Excessive commendation of officers for simply discharging their firearm does a disservice to the work of others.

182. *Disciplinary Code* (Philadelphia: Philadelphia Police Department, 2010).

Recommendation 42.1

The UFRB should review and, if appropriate, approve all recommendations for commendations related to deadly force incidents.

The board should be empowered to modify the narrative of the citation to ensure it is an accurate reflection of the event.

Recommendation 42.2

The department should develop a commendation that recognizes when an officer uses exceptional tactical or verbal skills to avoid a deadly force situation.

There is little official, department-endorsed incentive for officers to utilize good tactics and de-escalation skills in a potentially deadly confrontation. The department should recognize the good, life-saving work of officers who de-escalate incidents and resolve otherwise dangerous situations safely. The award could be called the Superior Tactics and Response (STAR) Award. These incidents may also serve as case studies for training purposes throughout the department.

Finding 43

The PPD's case review program has disciplinary overtones.

We reviewed 11 memoranda of counseling sessions conducted in 2014 and found the language to be "boilerplate" and lacking any description of the unique context in which the officers' counseling sessions were situated. Furthermore, it appears that counseling sessions mostly make officers aware of the impact of their behavior on career advancement and neglect any intrinsic motivators. This, coupled with the fact that officers are called out to IAD headquarters for an IAD-administered program, gives the system an overt disciplinary tone.

Recommendation 43

The PPD should refine its case review program and review its metrics, thresholds, procedures, and organizational structure to ensure that it is best serving the interests of the department, the officers, and the community.

Like many other aspects of police administration, there is no one-size-fits-all approach for EIS.[183] Ultimately, the department will need to work iteratively to identify what works best for its workforce, and continually assess and adjust as it deems appropriate. The department's review should be guided by the following principles:

- The program should be proactive, not disciplinary in either perception or reality.[184]
- The program should be procedurally just to the officers, meaning officers should understand the program, process, and its outcomes and be involved in its development.

183. Samuel Walker, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide* (Washington, DC: Office of Community Oriented Policing Services, 2013).

184. Samuel Walker, Stacy Milliga, and Aanna Berke, *Strategies for Intervening with Officers through Early Intervention Systems* (Washington, DC: Office of Community Oriented Policing Services, 2006), http://ric-zai-inc.com/Publications/cops-p093-pub.pdf.

- Data points and thresholds should be grounded in a combination of normative and empirically driven concepts about errant officers and indicators of officer misconduct while recognizing that there is no panacea. Ultimately, the system will identify officers who are not at real risk of misconduct and will fail to identify errant officers. In this sense, the system is a tool, not a solution.
- Interventions should include informed and substantive conversations.
- Interventions should result in action plans with measurable goals. Supervisors should follow up with subject officers to ensure that courses are corrected and that goals are being achieved.[185]

Finding 44

The PPD does not have an established process for organizational learning related to OISs or, more broadly, use of force.

Issues tend to be identified anecdotally and on an ad-hoc basis. No unit within the department is charged with conducting analyses on OISs, use of force or, more broadly, officer safety from a trend or pattern perspective. Yet the department regularly collects data related to these issues. The department manages a database containing all use of force reports, another database on all OISs, and yet another on officer injuries. Valuable trends and patterns can be identified from these data sources and used to inform the development and improvement of policy and training.[186]

Recommendation 44.1

The department should establish a permanent office for organizational learning and improvement related to officer safety, tactics, and use of force.

The office should be responsible for conducting analysis and producing analytic products on a routine basis, accepting special study requests from command staff, and actively improving the department's record keeping related to officer safety, tactics, and use of force, including policy, training, and real-life incidents.

Recommendation 44.2

The newly established office should convene a working group at least bi-annually.

At least twice per year, the department should convene a workshop committed to identifying ways the department can improve officer safety and tactics, and reduce use of force. The working group should review department-wide trends on these topics, review current policy, training, and practice, and identify best and emerging practices from across the law enforcement.

185. Ibid.
186. Walker and Archbold, *New World of Police Accountability* (see note 168).

Chapter 9. External Oversight and Transparency

Overview

In this chapter, we describe the state of oversight and transparency of Philadelphia Police Department (PPD) operations related to deadly force. We focus on two key areas of interest: the relationship between the department and the Police Advisory Commission (PAC); and the release of information to the public regarding deadly force incidents and outcomes.

Our review included the department's investigative and review procedures and the participation of outside parties and policies and practices of the PPD, including reforms initiated in 2014, regarding the release of information regarding officer-involved shooting (OIS) incidents and outcomes to the public. We interviewed PPD personnel from the office of communications and command staff. We also discussed the issue of transparency and oversight with community members over the course of our assessment.

We conclude with four key findings and 11 recommendations to reform the PPD into a more transparent organization.

External oversight

The Philadelphia PAC is the official civilian oversight agency of the PPD. The commission was formed in 1994 as the successor of the police advisory board.[187] There are a total of 19 commissioners, one executive director, and two investigators. Each commissioner is appointed by the mayor for a term of four years.

The commission's mandate is to investigate complaints against the PPD, provide general advice on PPD policy and practice, and broadly study the concerns of the community. Most of the complaints investigated by the PAC involve physical and verbal abuse or abuse of authority.[188] PAC investigators have the authority to interview complainants, witnesses, and officers as part of their investigation. As an investigation and review body, in 2013, the commission investigated 56 complaints and audited 23 Internal Affairs Division (IAD) investigations.[189] The PAC also holds public meetings, conducts community outreach, issues position papers, makes recommendations to the PPD, and disseminates data on public complaints.

Regarding OISs, there has been a point of significant contention between the PAC and the PPD regarding access to data and files. The PAC has sought access to investigative files and statistical data regarding OISs, which the PPD has refused.[190] In February 2013, the PAC made a formal request to the department, which was refused by the department (see appendix C on page 135).

187. Bruria Tal, *Civilian Oversight of Police in Philadelphia: The First 50 Years* (2003), accessed January 13, 2015, http://www.phila.gov/pac/PDF/HistoryofOversight.pdf.
188. Philadelphia Police Advisory Commission, *2012–2013 Annual Report* (2014).
189. Ibid.
190. CNA interviews.

Transparency

The PPD's media policy states that members of the office of media relations may not release information related to an OIS with first conferring and obtaining approval from the appropriate deputy commissioner.[191] The department, however, does not have a policy that describes the roles and responsibilities of departmental personnel for engaging with the public and media when an OIS occurs—e.g., what information is released, by whom, when, and how?

However, in 2014, the PPD began taking significant steps to enhance transparency and communications with the public about the circumstances and outcomes of OISs. The department has established a permanent web page that describes the department's policy and investigative processes.[192] The site also provides a summary of annual statistics on OISs and a geographic overlay of crime and OISs throughout the city. OIS cases are listed in a table, which includes the date, the location, any injuries or fatalities, the district attorney's office (DAO) decision, and the Use of Force Review Board (UFRB) determination. Each case also includes a hyperlink that has a basic incident summary.

The department has also become one of many that are now launching pilot programs to equip officers with body-worn cameras (BWC). The department is equipping officers in several districts throughout the city with the equipment, and plans to test their implementation and effectiveness.

Findings and recommendations

Finding 45

The PPD has begun posting a significant amount of data and case information on its website. Still, more transparency is needed to properly keep the community informed.

The department's efforts to publicize more OIS data are laudable. Although it is becoming an increasingly popular practice, many police agencies still do not have such a practice in place. However, the PPD should release information in a more timely fashion. More information and context should be included in case summaries. In addition, the department does not publish its use of force directives on its website.

Recommendation 45.1

The PPD should, at a minimum, publish directives 10 and 22 and the yet-to-be-written directive on the UFRB on its OIS web page.

In addition, any updates and significant revisions of these policies should be published on the website, as needed. This transparency helps inform community members about the parameters of officer decision making related to use of force and the process for reviewing these incidents in the PPD.

191. *Directive 89: Subject: Media Relations and Release of Information to the Public* (Philadelphia: Philadelphia Police Department, 2011).
192. See "Officer-Involved Shootings," Philadelphia Police Department, accessed January 13, 2015, http://www.phillypolice.com/news/police-officer-involved-shootings/.

Recommendation 45.2

The PPD should update its website as case files are closed and available for public dissemination.

The PPD currently updates its OIS web page on a quarterly basis. This is too seldom. The community should not have to wait three months to learn the facts and circumstances of a deadly conflict involving a member of the department. Incident summaries should be posted on the website within 72 hours of an OIS.

Recommendation 45.3

The PPD website should be updated to include more detailed accounts of the OIS and DAO review of the incident.

When the investigation has been completed, the PPD should publish a redacted version of the DAO's declination letter. All subsequent internal review files and outcomes (i.e., administrative investigation, UFRB, police board of inquiry [PBI], and arbitration hearing) should also be posted to the website. Personally identifiable information regarding civilian witnesses and victims should be redacted from the reports. This enhanced transparency will demonstrate to the public what internal accountability mechanisms are in place in the PPD and the outcomes of those processes.The criminal investigation summary should be posted within seven days after the district attorney issues a declination letter.

Recommendation 45.4

The PPD should publish a detailed report on use of force, including deadly force, on an annual basis. The report should be released to the public.

The report should present statistical trends and analyses of incident characteristics of all uses of force, including deadly force incidents, for that year. The report should also highlight any major revisions in department policies and procedures related to use of force and, more broadly, public interactions.

Finding 46

The PPD does not fully accommodate the PAC in its role of providing independent civilian oversight of police operations in Philadelphia.

The department has not cooperated with the PAC's request for access to OIS investigative files and statistical data. Yet Executive Order No. 8-93 empowers the PAC to access such data related to any internal investigation into police misconduct. The order states that the commission will have "full access to relevant police department personnel for interview and to relevant documents, including, but not limited to, . . . all general summaries, statistical compilations, and other internal reports on shootings, injuries, complaints of abuse, training, and any other issues related to the work of the commission."[193]

Recommendation 46

The PPD should work with the PAC and accommodate requests for important documentation, investigative files, and data related to all uses of force, including OISs.

The PPD should submit these files to the PAC to allow for the civilian oversight intended in Executive Order 8-93. These files should be sent in a timely fashion at their completion. If the PAC requests files related to completed investigations, the PPD should accommodate that request in a timely fashion. This

193. City of Philadelphia, *Executive Order No. 8-93* (n.d.), http://www.phila.gov/pac/PDF/Exec_Order_893.pdf.

recommendation applies to all files and databases maintained by the PPD related to administrative investigations, criminal investigations, UFRB findings, memoranda to the commissioner regarding UFRB findings and recommendations, PBI proceedings, and arbitration hearings.

Finding 47

Distrust in the ability of the PPD to investigate itself pervades segments of the community. Past and present scandals, high-profile OIS incidents, and a lack of transparency in investigative outcomes help cement this distrust.

From 2007 to 2013, approximately 15 percent of subjects in OISs were unarmed. These incidents included threat perception failures (TPF), toy guns, physical altercations, and accidental discharges that led to deadly force. There are no reliable national estimates on the prevalence and nature of OISs.[194] Therefore, we cannot say whether this number is high or low. However, we believe any police leader would agree that the law enforcement profession should take all efforts to reduce, in whole, the number shootings of unarmed persons. These incidents are undoubtedly the most controversial. Anecdotally, single incidents involving unarmed persons have led to significant upheaval and civil unrest in the past. Single incidents have also been the catalyst for significant reform in some police agencies.

Segments of the Philadelphia community do not trust the agency or any local partners to conduct a fair and objective investigation of OISs. This distrust stems from incidents in which members of the department have engaged in corruption and excessive uses of force and from the department's lack of transparency on these matters. We make no claim that the department is an untrustworthy agent when it comes to investigating OISs. However, we believe that the department can take significant steps to build trust with disaffected communities in Philadelphia.

Recommendation 47.1

The PPD should establish a policy stating that the police commissioner or designee will hold a press conference on an OIS incident within 72 hours of the incident.

All OISs, fatal and nonfatal, should be addressed in a press conference within 72 hours of the incident by the police commissioner or a designee. At the press conference, the commissioner or their designee should share basic facts and circumstances of the incident known at the time as collected and confirmed by investigators.

194. George Fachner, Michael D. White, James R. Coldren, Jr., and James K. Stewart, *Need for a National Center for Police Shootings and Deadly Force Research, Training, and Technical Assistance* (Arlington, VA: CNA, 2014), http://www.cna.org/sites/default/files/research/IPP-2014-U-009377.pdf.

Recommendation 47.2

The PPD should enter into an agreement with the PAC allowing a PAC observer access to all pertinent documentation related to an OIS investigation.

PAC observers should be called out to the scene and receive a briefing from the lead investigator prior to the release of the crime scene. In addition, PAC observers should have the names of all involved persons and witnesses so they can conduct their own interviews if deemed appropriate. PAC observers should be required to sign nondisclosure agreements, prohibiting them from sharing any information about any open investigations. However, PAC observers should be required to report any allegations of misconduct or violation of investigative protocols to the PAC executive director, the PPD IAD, and the police commissioner.

Recommendation 47.3

The police commissioner should enter into a memorandum of understanding with an external, independent investigative agency, through which the investigation of all OISs involving an unarmed person will be submitted for review.

Based on past years, this would result in the PPD submitting an average of approximately five cases to the agency per year for review. The PPD should make its request and the agency's response transparent. The PPD should notify the public when a case is submitted, whether the agency accepts or declines to recommend charges, and ultimately the agency's findings or recommendations for further action to be taken.

This does not mean that the PPD will not investigate the case or that the district attorney (DA) will not have the ability to prosecute if appropriate. Local law enforcement will always play a role in deadly force investigations. However, oversight by an independent law enforcement authority will provide the community with an outside, independent review of the investigation. The PPD should formalize this recommendation into policy. The department may set a sunset clause and revisit the policy two years from its implementation. The PPD should consider the Philadelphia field office of the Federal Bureau of Investigation (FBI) or the Pennsylvania office of the U.S. Attorney General to serve in this role. In addition to OISs involving unarmed persons, the department may also consider other controversial, challenged, or complex OIS incidents for external review at the discretion of the commissioner.

Finding 48

The PPD has taken the initiative to launch a pilot program for BWCs in several districts in the city.

BWCs have drawn much media attention and interest from law enforcement agencies and oversight agencies. Proponents argue that they will have a "civilizing effect" on police-public encounters and therefore reduce the amount of police misconduct and public complaints, as evidenced by one study involving the Rialto (California) Police Department.[195] However, research on the effectiveness of BWCs is still growing and privacy concerns remain.

195. Michael White, *Police Officer Body Worn Cameras: Assessing the Evidence* (Washington, DC: Office of Justice Programs, 2014), https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police Officer Body-Worn Cameras.pdf.

Recommendation 48.1

The PPD should collaborate with the multiple stakeholders in the development of policies and protocols for use of BWCs.

The department should engage with community members, particularly privacy advocates, to ensure the department deploys BWCs in a way that is in line with community values and expectations of privacy. In addition, the department should engage in a dialogue with the Philadelphia Fraternal Order of Police to ensure that officers' due process and privacy are considered and addressed in the policies, training, and protocols of BWCs.

Recommendation 48.2

The PPD should actively monitor the implementation of BWCs and study its effects on the department's objectives.

The department should pay particular attention to all uses of force and complaints. The PPD should consider conducting public satisfaction surveys to study the impact of BWCs on police-public encounters, paying particular attention to the impact that BWCs may have on public engagement in foot patrol districts and other high-crime areas.

Recommendation 48.3

The PPD should address major training and policy concerns prior to the deployment of BWCs.

Before deploying BWCs, the department should immediately address the following key policy issues:

- Training requirements
- Data storage location
- Data retention time
- Impact of Pennsylvania's two-party consent law on BWC use by the PPD
- Impact of Pennsylvania's public disclosure law on BWC use by the PPD
- Encounters in which BWCs should and should not be activated

The department will also want to address the following policy issues, if BWCs become a fixture in the department:

- Voluntariness of PPD officers
- Voluntariness of persons being recorded
- Auditing of BWC activations
- Auditing of BWC footage
- Sustainment costs of equipment and software
- Distribution of BWCs by police district
- Readdressing all policy issues listed above and uncovered during the pilot

Chapter 10. Conclusion

The Philadelphia Police Department (PPD) is a large, complex organization with a deeply rooted history and culture. The department's complexity reflects, in part, the growing complexity of the role of police in society, which has evolved from reactive to proactive in its fight against crime. We are recommending that the department take the same evolutionary steps in its approach to all interactions with the public, use of force, and use of deadly force. The first step was already completed when the commissioner requested this assessment from the Office of Community Oriented Policing Services (COPS Office). The department has been fully cooperative with our assessment and has both literally and figuratively opened its books to our team. For that, the department is deserving of praise.

Our overarching goal is to make the PPD a "best practice" police department for deadly force policy, training, investigations, and oversight. The department has much work to do in the months and years ahead. Our assessment uncovered policy, training, and operational deficiencies in addition to an undercurrent of significant strife between the community and department. It yielded 48 findings and 91 recommendations for the department to consider in reforming its deadly force practices.

We found the PPD's policies to be in need of significant refinement. Officers need more less-lethal options. In addition, the department's use of force policies need to be more explicit and officers need more training on them. Regarding training, it is essential that the PPD establish a field training officer (FTO) program. We also found that much of the PPD's training on use of force concepts and tactics is too infrequent, lacks the appropriate concepts, and, at times, lacks standards, which leaves officers inadequately prepared to make decisions in an increasingly complex environment. The PPD's investigations of deadly force incidents need to be completed in a more timely fashion. In particular, discharging officers should be interviewed within 72 hours of an incident. Furthermore, the scope of the investigation and reporting on the administrative side needs to be expanded to reflect the goals of the use of force review board. The PPD's review process needs to enable the department to hold officers accountable, learn from deadly force incidents, self-critique, and change as a result. Last, in an effort to maximize transparency, the PPD should request the independent investigation of unarmed officer-involved shooting (OIS) incidents from another capable and legitimate authority. The department also needs to improve its relations with the police advisory commission and be more forthcoming with deadly force investigative files and data.

Over the next 12 months, the assessment team will work with the PPD and the COPS Office to monitor and assist in the implementation of the reforms. The department's progress will be published in two monitoring reports. The reforms are intended to create a safer environment for the public and officers. By implementing the reforms recommended in this report, the department will be addressing a host of critical issues facing not only the PPD, but the entire police profession.

Appendix A. Table of Findings and Recommendations

Use of force policies

Finding	Recommendation
Finding 1: PPD officers do not receive regular, consistent training on the department's deadly force policy.	**Recommendation 1.1:** The PPD should develop a standard training module on directives 10 and 22 and require all sworn personnel to complete the training on an annual basis. **Recommendation 1.2:** The PPD should engage with officers and supervisors at the patrol level to seek their input on the clarity and comprehensibility of the department's use of force directives.
Finding 2: The PPD's use of force policies are fragmented, as are revisions of these policies. As a result, the PPD currently has two use of force models, which can be a source of confusion for officers.	**Recommendation 2.1:** The PPD should revise directives 10 and 22 at the same time to ensure the policies provide clear and consistent direction and guidance. **Recommendation 2.2:** For each district unit, the PPD should designate or assign an individual who is responsible for policy and training bulletin dissemination and auditing. **Recommendation 2.3:** The PPD should incorporate officers' acknowledgment of receipt of training bulletins and policy updates into the PPD's training record-keeping system.
Finding 3: Directive 10 is too vague in its description of use of force decision making, relying too heavily on the use of force decision chart.	**Recommendation 3:** The PPD should update directive 10 to include additional narrative context describing the appropriate level of force to be applied under various circumstances.
Finding 4: Directive 10 uses the term "probable cause" in the context of deadly force, which is an unnecessary and confusing departure from the traditional legal definition of the term.	**Recommendation 4:** The PPD should remove the term "probable cause" from directive 10 and expound upon the principles of *Graham* v. *Connor* to guide officers in deadly force decision making.
Finding 5: The definition of "objectively reasonable" in PPD directive 10 includes the terms "imminent" and "immediate," which can be a source of confusion for officers in the field. Notably, the term "imminent" does not appear in the *Graham* v. *Connor* decision.	**Recommendation 5:** The PPD should remove the term "imminent" from directive 10.

Finding	Recommendation
Finding 6: The PPD's "duty to intervene" clause in directive 22 creates a limited requirement—specifically, that officers are required to stop another officer from using force when it is no longer required. The policy is silent on whether officers are required to stop initial use of force when inappropriate and on whether any such abuses should be reported.	**Recommendation 6.1:** The PPD's "duty to intervene" should be revised to account for any officers witnessing the inappropriate initiation of force. **Recommendation 6.2:** The PPD's "duty to intervene" should be expanded to include a "duty to report."
Finding 7: Directive 22 does not require officers to carry oleoresin capsicum (OC) spray.	**Recommendation 7:** Directive 22 should state that officers are required to carry OC spray on their duty belt at all times while on duty.
Finding 8: The PPD requires officers to complete crisis intervention training (CIT) in order to obtain an electronic control weapon (ECW). This requirement conflates the two tactical approaches and limits the distribution of less-lethal tools throughout the department.	**Recommendation 8.1:** The PPD should decouple ECWs and CIT both conceptually and operationally. **Recommendation 8.2:** ECWs should be standard issue weapons for all PPD officers assigned to uniformed enforcement units. **Recommendation 8.3:** All PPD officers in uniformed enforcement units should be required to carry ECWs on their duty belt at all times. R**ecommendation 8.4:** The PPD should continue to dispatch CIT officers to calls for service involving persons in a probable state of mental crisis.
Finding 9: The PPD's electronic control weapons (ECW) policy is not detailed enough on the circumstances in which use of the tool should be limited.	R**ecommendation 9.1:** The PPD's ECW policy should limit the number of cycles used per subject to three. **Recommendation 9.2:** The PPD's use of force decision chart policy should clearly illustrate where using ECWs are appropriate and inappropriate. **Recommendation 9.3:** ECW discharges used against handcuffed persons should be permissible only in cases where the officer or another is danger of serious bodily injury. **Recommendation 9.4:** Officers who accidentally discharge an ECW and strike a suspect or nonsuspect should be required to complete a use of force report.
Finding 10: Between 2007 and 2013, PPD officers were involved in 30 OISs involving vehicles. The department's policy does not provide enough limitations on this practice.	**Recommendation 10:** The PPD should amend its policy and include a stronger prohibition on shooting at moving vehicles.

Basic recruit training

Finding	Recommendation
Finding 11: PPD recruit training is not conducted in a systematic and modular fashion. As a result, some recruit classes receive firearms training close to the end of the academy while others receive it early on.	**Recommendation 11.1:** The PPD should revise the sequencing of its academy curriculum so that recruits are continually building on previously learned skills. **Recommendation 11.2:** Skills that require continual training and refinement, such as firearms, defensive tactics, communications, and driving, should be staggered throughout the length of the academy.
Finding 12: PPD training staff members are required to complete instructor training just one time during their careers, in accordance with minimum MPOETC standards.	**Recommendation 12:** The PPD should establish a minimum continuing education requirement for all training staff to remain certified by the PPD.
Finding 13: On occasion, PPD training staff provides inconsistent or contradictory instruction to recruits.	**Recommendation 13:** The PPD should create formal, ongoing collaboration between the FTU and the academy.
Finding 14: PPD officers are dissatisfied with academy defensive tactics training.	**Recommendation 14.1:** The PPD should review and update its defensive tactics manual at least once every two years, taking into account PPD officer experiences and emerging best practices from the field. **Recommendation 14.2:** Ground fighting should be a part of the PPD's defensive tactics training. **Recommendation 14.3:** The PPD should discontinue training on the use of neck restraints and eliminate its use from the field except in exigent circumstances when life or grave bodily harm are at risk.
Finding 15: For some PPD recruits, de-escalation training has amounted to little more than lecture and observations.	**Recommendation 15.1:** The PPD should revamp its academy de-escalation training, ensuring that recruits receive more hours of scenario training, which allows each recruit to exercise and be evaluated on verbal de-escalation skills. **Recommendation 15.2:** PPD de-escalation training should be expanded to include a discussion of tactical de-escalation.
Finding 16: Academy recruits are not trained to use electronic control weapons (ECW).	**Recommendation 16:** ECW certification should be incorporated into the PPD's basic recruit academy.
Finding 17: Incidents involving discourtesy, use of force, and allegations of bias by PPD officers leave segments of the community feeling disenfranchised and distrustful of the police department.	**Recommendation 17.1:** The PPD's academy should significantly increase the scope and duration of its training on core and advanced community oriented policing concepts. **Recommendation 17.2:** The PPD should develop and implement an action plan in response to the organizational assessment on community oriented policing policies and practices throughout the department.
Finding 18: Academy instruction materials on the use of force policy and use of force continuum are inconsistent.	**Recommendation 18:** The PPD should conduct a complete audit of its use of force policy and legal instruction conducted throughout the academy and ensure that messaging is clear, consistent, and understandable.

Finding	Recommendation
Finding 19: The majority of academy instruction and scenario-based training sessions related to use of force end with the officer having to use force.	**Recommendation 19:** The PPD should review all of its use of force course material, including lesson plans, case studies, and scenarios, and ensure that they demonstrate the opportunity for a peaceful resolution.
Finding 20: There is a strong desire for more reality-based training throughout the department.	**Recommendation 20:** The PPD should increase the amount of reality-based training offered to academy recruits.
Finding 21: PPD training scenarios are not developed with a consistent method or evaluation process.	**Recommendation 21:** PPD scenarios should be developed in a formal fashion and include learning objectives and evaluation criteria.

In-service training

Finding	Recommendation
Finding 22: The PPD lacks a field training program to help transition academy graduates into full-time work as officers.	**Recommendation 22:** The PPD should develop a field training program.
Finding 23: The PPD's annual in-service training requirements tend to be limited to MPOETC standards. As a result, officers do not regularly receive in-service training on threat perception, decision making, and de-escalation.	**Recommendation 23.1:** The PPD should add at least one additional day of RBT to its annual requirements. **Recommendation 23.2:** The PPD should include training in procedural justice during the next offering of mandatory in-service program courses. **Recommendation 23.3:** The PPD should include training in unconscious bias and law enforcement during the next offering of mandatory in-service program courses.
Finding 24: The PPD training staff lacks opportunities for exposure to day-to-day officer experiences.	**Recommendation 24:** The PPD should require training staff members to work a patrol shift in a two-officer car at least twice annually.
Finding 25: The PPD lacks a comprehensive scenario playbook that includes a diverse set of scenarios that are relevant to policing in Philadelphia.	**Recommendation 25.1:** The PPD should develop a catalog of scenarios based on real-world incidents experienced by PPD officers and other officers across the country. **Recommendation 25.2:** Officer performance in training should be recorded as a way to track officer progress department-wide and flag any tactical issues that may require additional targeted training. **Recommendation 25.3:** The PPD should review its training on animal shootings to ensure they are consistent with the community expectations while considering factors affecting officer safety.
Finding 26: The PPD does not have a recertification program for CIT.	**Recommendation 26:** The PPD should create a periodic recertification training program for CIT officers.
Finding 27: The PPD does not have a recertification program for electronic control weapons (ECW).	**Recommendation 27:** The PPD should create a periodic recertification training program for ECWs.

Finding	Recommendation
Finding 28: Unique opportunities for scenario-based and simulated training have been eliminated from the department.	**Recommendation 28.1:** The PPD should reinstitute the rotating simulation use of force training program. **Recommendation 28.2:** The PPD should investigate and obtain a sufficient facility or facilities to house reality-based training.
Finding 29: The PPD requires that officers qualify with their firearms just once per calendar year.	**Recommendation 29:** The PPD should require that officers qualify with their weapons at least twice per year.
Finding 30: PPD officers do not receive in-service defensive tactics training.	**Recommendation 30:** The PPD should provide periodic defensive tactics training.

Investigations

Finding	Recommendation
Finding 31: OIS investigations generally lack consistency.	**Recommendation 31.1:** The PPD should establish a single investigative unit devoted to criminal investigations of all deadly force incidents. **Recommendation 31.2:** PPD D-FIT members should have the experience and training necessary to conduct thorough and objective OIS investigations. **Recommendation 31.3:** The PPD should develop a manual for conducting OIS investigations from a criminal standpoint.
Finding 32: PPD officers involved in a shooting provide a "public safety statement" to the transporting supervisor regarding the crime scene, evidence, suspects, and witnesses. In practice, the statement lacks structure and consistency.	**Recommendation 32.1:** The PPD should develop a standard checklist of items constituting a public safety statement that transporting supervisors must obtain from an officer involved in a shooting. **Recommendation 32.2:** The transporting supervisor should conduct a walk-through of the scene with the discharging officer(s).
Finding 33: The PPD's current practice for recording interviews of witnesses and discharging officers is through typed notes.	**Recommendation 33:** The PPD should establish a policy that interviews of all critical witnesses and suspects in the course of an OIS investigation will be video and audio recorded.
Finding 34: Control of the initial crime scene is assigned to the criminal investigators on an informal basis. As a result, there is a general lack of consistency in the quality of crime scene control and integrity.	**Recommendation 34:** The PPD should establish a policy that control of an OIS crime scene must be assigned to the criminal investigative unit.

Finding	Recommendation
Finding 35: Crime scene photos of OIS incidents are inconsistent and often lack the appropriate perspectives and details.	**Recommendation 35.1:** The PPD should establish a standard for OIS crime scene photography to be incorporated into their OIS investigations manual. **Recommendation 35.2:** The crime scene should be video recorded.
Finding 36: The IAD shooting team waits for the DAO to decline charges against an officer before it interviews discharging officers and closes its investigation. As a result, most officers involved in shootings are not interviewed until three or more months after the incident occurred.	**Recommendation 36.1:** The PPD should revise its policy and practice so that the criminal investigative unit assigned to each OIS is the primary point of contact with the DAO. The IAD should be extricated from this role. **Recommendation 36.2** The shooting team should conduct interviews with the all discharging officer(s) as soon as practical, but not later than 72 hours after the incident. **Recommendation 36.3:** The IAD should set a goal to close administrative investigations within 30 days of the DAO's declination. **Recommendation 36.4:** All interviews of discharging officers should be video recorded.
Finding 37: The PPD lacks official training requirements for IAD shooting team members.	Recommendation 37. Current and future members of the shooting team should be required to receive specialized training in OIS investigations.
Finding 38: The shooting team does not have a formal process for consulting with subject matter experts to inform their investigation and findings.	**Recommendation 38:** The shooting team should establish a policy to review their investigation and findings with other departmental experts.
Finding 39: The scope of shooting team investigation focuses solely on policy while largely neglecting officer tactics and decision making.	**Recommendation 39.1:** The shooting team should significantly enhance their investigative scope to include officer tactics and decision making. **Recommendation 39.2:** Shooting team investigative reports should highlight findings and any inconsistencies in policy, procedure, and training for the UFRB to evaluate in their decision. **Recommendation 39.3:** The shooting team should develop an operations manual delineating all of their investigative activities, reporting, and role in the review process.

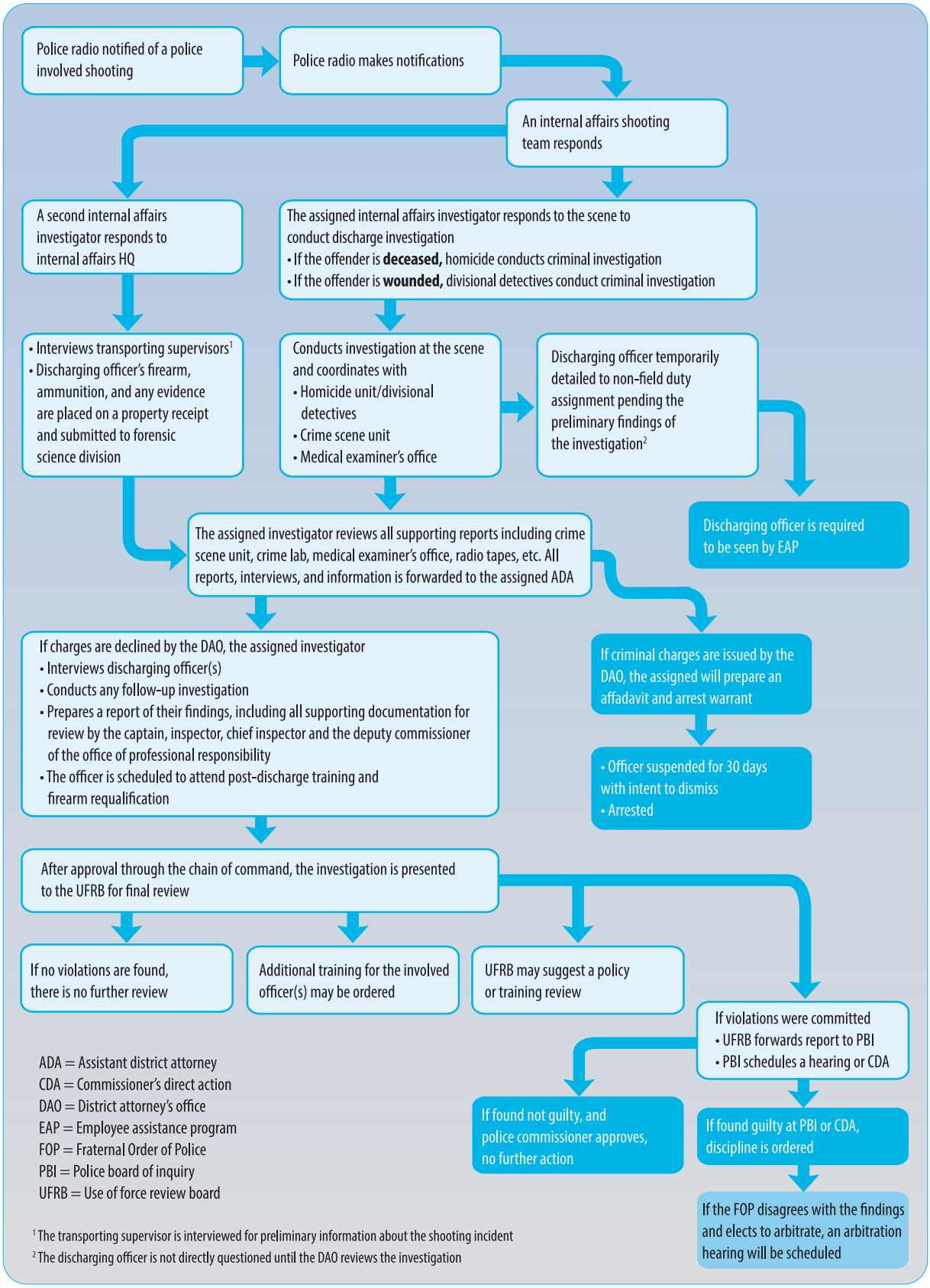
Use of deadly force and officer accountability

Finding	Recommendation
Finding 40: The UFRB and PBI are duplicative processes that at times have conflicting outcomes. This sends a mixed message to members of the department and causes unnecessary internal strife.	**Recommendation 40.1:** The PPD should dismantle the two-board system for OISs and combine the functions of the UFRB and PBI into one integrated board. **Recommendation 40.2:** The newly established board should conduct a comprehensive review of each incident. **Recommendation 40.3:** Voting board members should include command staff, a sworn officer one rank higher than the involved officer, a peer officer, and at least one citizen representative. **Recommendation 40.4:** Shooting team investigators should make a formal presentation of the facts to the board, highlighting any potential conflicts and key points for deliberation among the board. **Recommendation 40.5:** Board members should have the opportunity to call witnesses and ask questions related to the incident. **Recommendation 40.6:** After board proceedings are complete, voting members should deliberate the case and issue a finding by majority vote.
Finding 41: The PPD's disciplinary code section on firearm discharges is too encompassing. As a result, the penalty for violating this code ranges widely from reprimand to dismissal for first, second, and third offenses.	Recommendation 41: The PPD should delineate the various firearms-related violations in its disciplinary code and the penalties for first, second and third time offenders.
Finding 42: The process for reviewing OISs in the PPD is separated from the department's commendatory process. As a result, officers may be issued commendations for actions that were less than commendable.	**Recommendation 42.1:** The UFRB should review and, if appropriate, approve all recommendations for commendations related to deadly force incidents. **Recommendation 42.2:** The department should develop a commendation that recognizes when an officer uses exceptional tactical or verbal skills to avoid a deadly force situation.
Finding 43: The PPD's case review program has disciplinary overtones.	**Recommendation 43:** The PPD should refine its case review program and review its metrics, thresholds, procedures, and organizational structure to ensure that it is best serving the interests of the department, the officers, and the community.
Finding 44: The PPD does not have an established process for organizational learning related to OISs or, more broadly, use of force.	**Recommendation 44.1:** The department should establish a permanent office for organizational learning and improvement related to officer safety, tactics, and use of force. **Recommendation 44.2:** The newly established office should convene a working group at least bi-annually.

External oversight and transparency

Finding	Recommendation
Finding 45: The PPD has begun posting a significant amount of data and case information on its website. Still, more transparency is needed to properly keep the community informed.	**Recommendation 45.1:** The PPD should, at a minimum, publish directives 10 and 22 and the yet-to-be-written directive on the UFRB on its OIS web page. **Recommendation 45.2:** The PPD should update its website as case files are closed and available for public dissemination. **Recommendation 45.3:** The PPD website should be updated to include more detailed accounts of the OIS and DAO review of the incident. **Recommendation 45.4:** The PPD should publish a detailed report on use of force, including deadly force, on an annual basis. The report should be released to the public.
Finding 46: The PPD does not fully accommodate the PAC in its role of providing independent civilian oversight of police operations in Philadelphia.	Recommendation 46: The PPD should work with the PAC and accommodate requests for important documentation, investigative files, and data related to all uses of force, including OISs.
Finding 47: Distrust in the ability of the PPD to investigate itself pervades segments of the community. Past and present scandals, high-profile OIS incidents, and a lack of transparency in investigative outcomes help cement this distrust.	**Recommendation 47.1:** The PPD should establish a policy stating that the police commissioner or designee will hold a press conference on OIS incident within 72 hours of incident. **Recommendation 47.2:** The PPD should enter into an agreement with the PAC allowing a PAC observer access to all pertinent documentation related to an OIS investigation. **Recommendation 47.3:** The police commissioner should enter into a memorandum of understanding with an external, independent investigative agency, through which the investigation of all OISs involving an unarmed person will be submitted for review.
Finding 48: The PPD has taken the initiative to launch a pilot program for body-worn cameras (BWC) in several districts in the city.	**Recommendation 48.1:** The PPD should collaborate with the multiple stakeholders in the development of policies and protocols for use of BWCs. **Recommendation 48.2:** The PPD should actively monitor the implementation of BWCs and study its effects on the department's objectives. **Recommendation 48.3:** The PPD should address major training and policy concerns prior to the deployment of BWCs.

Appendix B. PPD Investigation Flow Chart



Appendix C. Police Advisory Commissioner Letter Re: Officer-Involved Shootings

Commissioner Charles Ramsey

Philadelphia Police Department
Police Administration Building
8th & Race Street, Room 313
Philadelphia, PA 19106

Wednesday February 6, 2013

Commissioner Ramsey:

I write to formally request that the police department provide the Commission with copies of all completed shooting and discharge reports from 2007 to the present. Going forward, I would like to meet with police department officials to discuss a procedure for our office to receive these reports automatically upon completion, as was once done with shooting/discharge reports provided to the previous Integrity & Accountability Office.

It has come to my attention that Internal Affairs personnel have refused written requests (see attached 1/3/2013 letter) to provide this information to Commission investigators, under the mistaken assumption that these records are exempt from disclosure to our agency. This refusal has severely undermined the Commission's ability to bring closure in a number of formal complaints filed with our agency, as well as our larger mission of providing oversight of matters of importance to the board and the public.

Executive Order 8-93, Section 4 (Powers & Duties) grants the Commission access to a broad range of police department records, and specifically subsection 0(5) includes "*all* general summaries, statistical compilations and other internal reports on shootings, injuries . . . etc. (emphasis mine).

Our concerns regarding these incidents runs considerably deeper than the question of the Commission's access to records. When a Philadelphia Police officer takes an action that injures or takes the life of another, we have a responsibility to provide independent investigation, review and public analysis of those incidents. While we have no desire to reveal any confidential or statutorily exempt information, the conclusions reached in these inquiries are valid matters of public concern that the police department cannot keep hidden from scrutiny by the Commission.

In a related matter, I note that the department's latest crime maps no longer display basic information about justifiable homicides, which were the public's (and the Commission's) only way of tracking these incidents outside of media reports.

We need to collectively work to end the silence that lingers around fatal incidents in our city, erodes confidence in law enforcement, and allows misinformation to replace the honest public reckoning that our officers and the public deserve.

Kelvyn Anderson
Executive Director
Police Advisory Commission
990 Spring Garden St, 7th floor
Philadelphia, PA 19123

CC: Deputy Commissioner Denise Turpin, Internal Affairs
Michael Resnick, Esq., Director of Public Safety
Richard Negrin, Esq., Managing Director
Michael Nutter, Mayor

Appendix D. Acronyms and Abbreviations

AELE	Americans for Effective Law Enforcement
APM	Asociación Puertorriqueños en Marcha
ATU	Advanced Training Unit
BWC	body-worn camera
CLETA	Census of Law Enforcement Training Academies
CIT	crisis intervention training
COPS Office	Office of Community Oriented Policing Services
CP-SAT	Community Policing Self-Assessment Tool
DAO	district attorney's office
D-FIT	deadly force investigation team
DOJ	U.S. Department of Justice
DT	defensive tactics
DTI	defensive tactics instructor
ECW	electronic control weapons
EIS	early intervention system
FATS	firearms training simulator
FBI	Federal Bureau of Investigation
FTO	field training officer
FTU	Firearms Training Unit
IACP	International Association of Chiefs of Police
IAD	Internal Affairs Division
LEMAS	Law Enforcement Management and Administrative Statistics
MPOETC	Municipal Police Officer Education and Training Commission
NAN	National Action Network
NIJ	National Institute of Justice
NRA	National Rifle Association
PAC	Police Advisory Commission
PARC	Police Assessment Resource Center
PBI	Police Board of Inquiry

PDAC	police district advisory council
PPD	Philadelphia Police Department
OC	oleoresin capsicum
OIS	officer-involved shooting
OPR	Office of Professional Responsibility
PTSD	post-traumatic stress disorder
RBT	reality-based training
SIU	special investigation unit
SWAT	special weapons and tactics
TBI	traumatic brain injury
TPF	threat perception failure
UFRB	Use of Force Review Board

Appendix E. PPD directive 10

Note: This appendix has been slightly modified to adhere to COPS Office publication standards.

Issued date: 05-23-14

Effective date: 05-23-14

Update date:

Subject: Use of force—involving the discharge of firearms (PLEAC – 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7)

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I. Policy

A. It is the policy of the Philadelphia Police Department that our officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.

B. The most serious act in which a police officer can engage during the course of his official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.

C. Police officers shall not use deadly force against another person unless they have probable cause that they must protect themselves or another person from imminent death or serious bodily injury. Further, an officer is not justified in using deadly force at any point in time when there is no longer probable cause to believe the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.*(PLEAC 1.3.2)

D. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.

E. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger innocent people.

F. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals when necessary and safe to do so and will not be delayed to await the arrival of medical assistance. *(PLEAC 1.3.5)

II. Definitions

A. **Probable cause**: Facts and circumstances which would support an objectively reasonable belief that the officers must protect themselves or others from imminent death or serious bodily injury

B. **Objectively reasonable belief**: A fourth amendment standard whereby an officer's belief that they must protect themselves or others from imminent death or serious bodily injury is compared and weighed against what a reasonable or rational officer would have believed under similar circumstances. This determination is made by reviewing all relevant facts and circumstances of each particular case, including but not limited to (1) the severity of the crime at issue, (2) whether the suspects poses an immediate threat to the safety of the officers or others, (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

C. **Imminent**: Threatening, likely, and unavoidable.

D. **Serious bodily injury**: Bodily injury which creates a substantial risk of death or causes serious, permanent disfiguration or protracted loss or impairment of the function of any bodily member or organ.

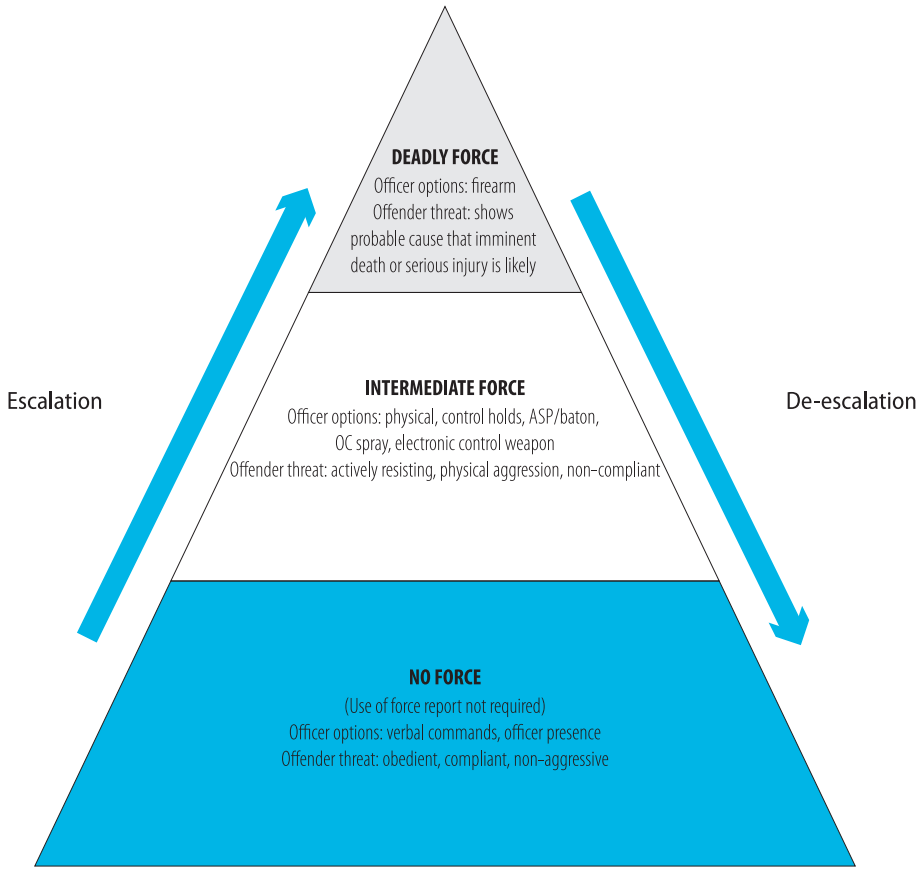
III. Use of force

A. **GOAL: To always attempt to de-escalate any situation where force may become necessary. In the event force becomes unavoidable**, to use only the minimal amount of force necessary to overcome an immediate threat or to effectuate an arrest.

B. The amount of force, the continued use of any force, and the type of police equipment utilized all depend upon the situation being faced by the officer. However, once the threat has been overcome or a subject is securely in custody, it is an officer's responsibility to de-escalate and immediately address any injuries the suspect may have sustained.

C. **USE OF FORCE DECISION CHART**: The following diagram illustrates the amount of force an officer should use based on the offender's behavior and threat. It is the offender's behavior that places the officer and/or others in danger. The offender's threat is the primary factor in choosing a force option. However, the officer should also consider the totality of the circumstances to include but not be limited to an offender's altered state due to alcohol or drugs, mental impairment, medical conditions, or the proximity of weapons.

Use of force decision chart



Use the most appropriate option that is necessary
to reduce and de-escalate the threat.

IV. Specific prohibitions

A. Police officers shall not draw their firearms unless they reasonably believe a potential threat for serious bodily injury or imminent death to themselves or another person exists.

B. Police officers shall not discharge their firearms in defense of property.

C. Police officers shall not use a firearm as a club.

D. Police officers shall not fire warning shots under any circumstances. *(PLEAC 1.3.3)

E. Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover, or reposition rather than to immediately use force.

F. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no threat of imminent death or serious physical injury to themselves or another person present.

G. Police officers shall not discharge their firearms FROM a moving vehicle unless the officers are being fired upon.

H. Police officers shall not discharge their firearms AT a vehicle unless officers are being fired upon by the occupants of the vehicle. An officer should never place themselves or another person in jeopardy in an attempt to stop a vehicle.

NOTE: Barring exigent circumstances (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence, because this has been known to result in serious injury to officers.

I. Police officers with revolvers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.

V. Reporting discharges of firearms

A. The discharge of any firearm, whether accidental or intentional, by sworn personnel on duty or off duty (except test or target fire at a bona fide pistol range or lawfully hunting game) will be reported as follows:

    1. The officer who fired the weapon will

        a. immediately notify police radio of the occurrence and provide pertinent information regarding the need for supervisory personnel and emergency equipment if required;

        b. inform the first supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence;

        c. make no official statements to anyone except personnel from Internal Affairs. However, this provision shall not be construed to prohibit the officer from speaking to any counselor or union representatives regarding the incident while at Internal Affairs or at any time afterwards.

    2. Each officer at the scene of a discharge of a firearm by any police officer will

        a. notify police radio of the discharge unless the officer knows police radio has already received such a notification;

        b. inform the first supervisor on the scene of the circumstances of the discharge and provide all relevant information concerning the incident;

        c. ensure the provisions of directive 2 "Responsibilities at Crime Scenes" are followed.

    3. Police radio will

        a. ensure that a district supervisor is dispatched to the scene;

        b. immediately make the following notifications:

            (1.) Internal Affairs
            (2.) Homicide division (only when death occurs or is likely to occur or an officer is struck by gun fire)
            (3.) Detective division of occurrence
            (4.) District of occurrence
            (5.) District or unit to which officer is assigned

(6.) Command Inspection Bureau (CIB), if applicable
(7.) Crime Scene Unit (CSU)
(8.) RTCC to identify all city owned or privately owned cameras;

c. notify the commanding officer, Employee Assistance Program (EAP) of the police discharge. The commanding officer of EAP will have police radio notify the on-call peer counselor and he or she will contact police radio for details of the shooting.

4. The first supervisor on the scene will be responsible for the following:

a. Ensure that police radio has been notified of the incident.

b. Ensure that the provisions of directive 2 "Responsibilities at Crime Scenes" are carried out and protect and secure the crime scene.

c. Determine which officer(s) fired their weapon(s) by examining the magazine/cylinder of the weapon of each officer present during the discharge.

d. Any officer having left the scene prior to the supervisor's arrival will be recalled in order to have their weapon inspected.

(1.) Glock (semi-automatic) weapon inspection: Instruct the officer(s) to remove the magazine for inspection and note the number of rounds. If the weapon has been fired, record the number of remaining rounds and take possession of the magazine. Supervisors who are not Glock-trained are prohibited from physically handling the weapon (excluding the magazine) during the inspection.
(2.) Revolver inspection: Pay special attention to the cylinder position before ordering the officer to open their weapon's cylinder. Note the condition of each round in all chambers and what chamber was located under the firing pin when the cylinder was opened. If the weapon has been fired, take note of the number of spent cartridges and take possession of all six rounds of ammunition, live or spent.

e. Allow involved officer(s) to retain custody of the firearm absent any exigent circumstances and reload their weapon with six new rounds or a new magazine. This will be done to ensure officers have a fully loaded weapon while being transported to Internal Affairs.

f. Ensure that information concerning the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence is provided by the involved officer(s) and disseminated to the assigned investigator by remaining at the scene until the arrival of divisional detective personnel.

g. Escort the involved officer, if not incapacitated, directly to Internal Affairs. When reasonable, discharging officers should be transported separately. If additional vehicles are needed, additional supervisors will be summoned to provide transportation.

NOTE: The first supervisor on the scene (corporal, sergeant, or lieutenant) will not delegate the responsibility of transporting officers to any other supervisor regardless of the district/unit assignment of the officer(s) involved. However, command-level personnel (captain or above) may assign a subordinate supervisor to transport involved officers in the event a commander is the first superior officer on the scene.

5. The operations room supervisor (ORS) of the district of occurrence will make notification via a computer terminal to Internal Affairs by accessing the Use of Force Notification Screen on the PPD intranet homepage.*(PLEAC 1.3.6)

B. Reporting discharges of firearms OUTSIDE jurisdiction

1. The officer who fired the weapon will

   a. call the local Emergency 9-1-1 to notify the jurisdiction of occurrence;

   b. comply with the directions given by the local investigating law enforcement officials;

   c. call the Philadelphia Police Radio Room at 215-686-1295 so the proper notifications can be made.

2. Police radio will

   a. notify Command Inspection Bureau (CIB) or district/unit commanding officer depending on the time of occurrence;

   b. notify Internal Affairs and provide pertinent information regarding the discharge.

3. Internal Affairs will

   a. be immediately notified of any incident involving the discharge of a firearm by police. The Internal Affairs shooting team will be notified of any incident involving the discharge of a firearm by Philadelphia Police personnel. In addition, the shooting team will be notified whenever a city issued or privately owned weapon of a Philadelphia Police Officer is discharged, intentionally or accidentally, by someone other than the respective officer;

   b. notify the local investigative agency, speak to the assigned investigator, and request if Internal Affairs can respond to the scene or meet with the investigator;

   c. respond to any discharge within reasonable driving distance (2–3 hours);

   d. if permissible, obtain any documents and/or interviews pertaining to the discharge.

VI. Investigation of police discharges

A. The homicide unit will

1. investigate all cases involving the discharge of firearms by police personnel resulting in or likely to result in death of a human being. They will be responsible for the preparation of the Investigation Report (75-49) which will be forwarded to Internal Affairs within seven (7) calendar days; *(PLEAC 1.3.6)

2. ensure that all pertinent death notifications have been made.

B. The detective division of occurrence will investigate all other cases involving the discharge of firearms by police personnel. They will be responsible for the preparation of the investigation report (75-49), which will be forwarded to Internal Affairs within seven (7) calendar days. *(PLEAC 1.3.6)

NOTE: Other investigative units involved will coordinate their efforts with the assigned detective division.

C. Crime Scene Unit personnel will process the scene after conferring with the assigned investigator.

D. The officer's commanding officer will

1. ensure the commanding officer of Internal Affairs is notified;
2. contact the police department's Employee Assistance Unit (EAP) within five (5) business days in order to arrange confidential counseling whenever an officer has discharged their firearm except at an animal;

NOTE: Commanding officers may use their discretion regarding required EAP counseling when the discharge is at an animal.

3. be responsible for having the officer retrained at the Firearms Training Unit (FTU) before returning to duty (exception: discharges at deer);
4. whether or not the discharge results in death or injury to any person, the officer shall be temporarily assigned to non-street duties inside their command within their squad. *(PLEAC 1.3.7).

EXCEPTION: Officers who discharge at deer will be returned to duty immediately after arrival of an Internal Affairs investigator. Internal Affairs will not come out to the scene when SWAT has killed a deer or other wild animal, except canines.

5. An officer will return to active street duty as soon as possible after the officer has attended his scheduled visit with Employee Assistance Program (EAP), completed the required training at the Range and based on the recommendation of Internal Affairs.

E. Commanding officer, Employee Assistance Program (EAP) will

1. have the assigned peer counselor respond to Internal Affairs to meet the discharging officer for an initial assessment. During the initial assessment, the peer counselor will explain the emotions that the officer might be experiencing and explain the procedures that will occur following his/her discharge (i.e. reporting to the range and EAP, etc.);

NOTE: EAP peer counselors will only respond to police discharges where the suspect was fatally wounded or injured as a result of the discharge. The exception is when there is a request from the investigating shooting team, the officer's commanding officer, CIB, or the commanding officer, EAP.

2. have the peer counselor conduct a confidential follow-up assessment and provide referral information to the officer. The officer will be encouraged to contact Penn Behavioral Health (PBH);
3. have the peer counselor, at the completion of the session with EAP or the Penn Behavioral Health provided counselor, fax a memorandum to the commanding officer, Internal Affairs shooting team, stating the officer has attended their appointment with EAP. All other information is prohibited from being released. All EAP sessions are STRICTLY CONFIDENTIAL and information pertaining to the session can not be released without the officer's permission.

NOTE: EAP is a support service and is not involved in the investigation of the police shooting.

F. Internal Affairs will

1. assist in all investigations of discharges of firearms by police personnel;
2. ensure a member of the Internal Affairs shooting team interviews the officer(s) that fired the weapon separately;
3. prepare a supplemental report (75-52) detailing the results of the Internal Affairs investigation; *(PLEAC 1.3.6)

NOTE: Upon completion of the supplemental report, the chief inspector, Office of Professional Responsibility will forward a complete report to the deputy commissioner, Office of Professional Responsibility who will forward it to the police commissioner.

4. notify the commanding officer of the discharging officer's status.

VII. Custody and disposition of firearms discharged by police personnel

A. Internal Affairs will prepare a property receipt (75-3) at Internal Affairs containing the following information: the firearm's make, model, caliber, and serial number. A second 75-3 will be prepared for the fired cartridge(s) and unfired ammunition. The Internal Affairs police shooting case number will be indicated on both property receipts.

B. In discharges of firearms not resulting in injury and in any discharge (accidental or intentional) resulting in the shooting of an animal, the discharged firearm will be given to the transporting supervisor in accordance with the following guidelines:

1. When the firearm is to be returned, the assigned Internal Affairs investigator will designate, in the description section of the property receipt containing the firearm information, "FIREARM IS TO BE TEST FIRED AND RETURNED." The assigned Internal Affairs investigator's signature and date will follow. Internal Affairs will retain the white (control) copy of the property receipt for their records.
2. The transporting supervisor will transport the firearm, fired cartridge(s), and unfired ammunition and both property receipts directly to the Firearms Identification Unit (FIU).
    a. When the Firearms Identification Unit (FIU) (843 North 8th Street, Room 022) is open, FIU will test fire and make every effort to expedite the examination and return the weapon to the involved officer. The test shots and firearm related materials (bullets, specimens, and/or fired cartridge cases) will be retained at FIU.

NOTE: Evidence intake unit is open 24 hours a day, weekends and holidays.

    b. When FIU is closed, the evidence receiving clerk, Laboratory Division will aid the officer in securing their firearm in the mobile firearm's storage box. A replacement firearm of the same caliber will immediately be issued to that officer. Subsequently, the FIU will contact the officer for return of their original firearm.
    c. The firearm will be unloaded and made safe but not cleaned prior to examination.

d. Upon completion of the FIU examination, a copy of the findings will be forwarded to Internal Affairs and the pertinent detective division.

C. In all deliberate shootings (not involving animals) where an injury or death occurs and all accidental discharges of firearms resulting in injury or death, Internal Affairs will do the following:

1. The assigned Internal Affairs investigator will interview the involved officer and determine if the firearm can be returned to the officer.
2. If the firearm is to be returned to the officer, follow the procedure in Section V-B-1 and 2 in this directive except the actual transportation of the weapon to FIU will be done by Internal Affairs.
3. If the firearm is not to be returned, the assigned Internal Affairs investigator will designate in the description section of the property receipt containing the firearm information one of the following:
    a. FIREARM IS TO BE TEST FIRED AND RETAINED—ISSUE A REPLACEMENT WEAPON.
    b. FIREARM IS TO BE TEST FIRED AND RETAINED—DO NOT ISSUE REPLACEMENT WEAPON.
4. The assigned Internal Affairs investigator's signature and date will follow. Internal Affairs will retain the white (control) copy of any property receipt.
5. The assigned Internal Affairs investigator will transport the firearm, fired cartridge(s), and unfired ammunition, and both property receipts directly to the Firearms Identification Unit (FIU).
    a. When the Firearms Identification Unit (FIU) is open, the FIU clerk will take possession of the weapon and other material.
    b. When FIU is closed, the evidence receiving clerk, Laboratory Division will aid the Internal Affairs investigator in properly securing the weapon and related material in the mobile firearm's storage box.
    c. If a replacement firearm is to be issued, the involved officer, upon leaving Internal Affairs, will proceed to FIU or evidence receiving clerk, Laboratory Division.
6. FIU will test fire the firearm in question and forward a copy of the findings to Internal Affairs and the pertinent Detective Division.

D. City-owned or privately owned firearms

1. Internal Affairs will determine the disposition of the City-owned firearm and notify FIU to transport the discharged firearm to the Firearms Training Unit. All other evidence, including fired cartridge(s) and unfired ammunition will be stored at FIU until released by Internal Affairs.
2. During the second week of January, a status review of City-owned firearms being retained under the above conditions will be conducted by the commanding officer, Firearms Training Unit. Internal Affairs will determine which weapons may be returned to inventory. The commanding officer, Firearms Training Unit will submit a final report to the deputy commissioner, Organizational Services by February 28th of each year detailing the status of all firearms being retained.

VIII. Use of force review board (UFRB)

A. Strict standards in the application of force by police personnel are necessary to provide guidance and to safeguard the public from unnecessary or unreasonable force. However, police personnel may be confronted with circumstances that were unknown or unanticipated when departmental standards were developed. Such circumstances may require extraordinary and unanticipated actions to be taken to protect police personnel or others, including suspects, from imminent serious bodily injury or death. In these extraordinary situations, written policies alone are often insufficient to properly evaluate the appropriateness or reasonableness of police personnel's actions. To fairly review these cases, maintain departmental integrity, and ensure the public is properly protected, the Use of Force Review Board (UFRB) will function as both an investigative and an administrative tool to objectively review the appropriateness or reasonableness of force.

B. Cases subject to review by the UFRB

    1. All police involved shootings shall be reviewed.

C. The UFRB will be composed of

    1. the deputy commissioner, Organizational Services, who will act as chairperson;
    2. the deputy commissioner, Office of Professional Responsibility;
    3. the deputy commissioner, Major Investigations;
    4. the deputy commissioner, Field Operations.

    NOTE: If a member of the UFRB cannot attend, a designee will be identified and approved by the chairperson (chief inspector or higher).

D. Procedure

    1. All completed police shooting investigations will be referred to the UFRB. No final determination regarding the appropriateness of the force used will be made by Internal Affairs. Internal Affairs shall present the facts of the shooting incident to the UFRB. The UFRB shall review the totality of the circumstances and issue a final determination of whether the force deployed was appropriate or the officer had probable cause to use deadly force.
    2. The chairperson of the UFRB will receive and distribute copies to all members of all Internal Affairs use of force investigations and investigative reports relating to cases referred to the UFRB. The UFRB shall have access to the entire investigative file, attachments, and assigned investigators to complete a thorough review.
    3. The chairperson will convene the UFRB at least quarterly for the purpose of reviewing the investigative reports on each case. The chairperson may convene the UFRB as often as necessary.

4. The decision regarding each incident shall be made by a majority vote of the UFRB.

    a. **Administrative approval**: If the review indicated that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked **"Justified Use of Force within Departmental Policy."**

    b. **Improve tactics and/or decision making**: If the review indicated that the actions of the officer were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, but the officer's tactics and/or decision making could be improved where the force became necessary, the review will be marked **"Justified Use of Force within Departmental Policy—Tactical/Decision Training Recommended."**

    c. **No use of force violations, but other departmental violation discovered**: If the review indicated that the actions of the officer were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, but other departmental violations not related to the use of force are discovered, the review will be marked **"Justified Use of Force within Departmental Policy—Other Violations Discovered."**

    d. **Policy or departmental training issues**: If the review indicates that an undesirable outcome occurred regarding the use of force and the force appears reasonable, but no actual policy or training currently exists regarding the subject matter, the case will be marked **"Justified Use of Force within Departmental Policy—Review of Departmental Policy or Training Recommended."** The chairperson shall forward the case the deputy commissioner, Organizational Services, Strategy and Innovations. The deputy commissioner, Organizational Services, Strategy and Innovations shall, no later than thirty (30) days from the receipt of the case from the UFRB, be responsible to present to the police commissioner, through the chain of command, a proposed department-wide policy and/or training curriculum to remedy the issue.

    e. **Administrative disapproval**: If the review indicated that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary, or excessive, even under extraordinary circumstances, the case will be marked **"Not within Departmental Policy."** The chairperson will notify the police commissioner in writing and forward the case to the charging unit for the appropriate disciplinary charges to be filed against the officer.

5. Any departmental violations uncovered during the course of the Internal Affairs investigation will be forwarded to the Police Board of Inquiry (PBI) for their review and action.

6. Nothing in this section shall be construed to abridge, restrict, or otherwise limit the police commissioner's final authority relating to discipline in these matters, including the right to override the decision of the UFRB.

IX. Discharges involving animals

A. Destroying injured deer

1. Firearms should not be used to destroy injured deer when they are not presenting an immediate threat to the officer or another person. Attempt to contact the Pennsylvania Game Commission at (610) 926-3136 or (610) 926-1966.
2. If the above agency is unavailable, and the severities of the injuries are such that the animal should be destroyed for humane reasons, officers will first request the assistance of the SWAT unit, who will be responsible for its destruction.
3. SWAT personnel will do the following:
    a. Upon destroying an animal, be responsible for completing the preformatted memorandum and a 75-48.
    b. The memorandum and 75-48 will be submitted to the Internal Affairs shooting team within 24 hours of the incident.
    c. If the SWAT unit is unavailable, the officer may destroy the deer, but only in the presence and on the orders of a supervisor.

NOTE: Usually one shot between the eyes or behind the ear of the animal should be sufficient to complete the task. However, in the event it becomes necessary for police personnel to destroy any animal suspected of being rabid by use of a firearm, it is preferred that the animal be shot in the body rather than the head. The head needs to be examined by the Philadelphia Department of Public Health.

4. Police radio will notify the Internal Affairs shooting team. The discharging officer and the on-scene supervisor will remain on the scene until their arrival. (Exception: when SWAT personnel have performed the task.)
5. Consideration should be given before discharging a weapon to destroy any animal (e.g., the close proximity of people and buildings, type of back stop or ground).
6. The Streets Department will be notified, via police radio, to remove the carcass of deer or other animals found or destroyed by police personnel. Suspected rabid animals that are shot by police will be transported by Animal Care and Control Team (ACCT). Dogs that are shot by police will be transported by ACCT or to ACCT by police personnel. They will not be transferred to any veterinary hospital or private veterinarian even if the animal is still alive.

B. Discharges involving other animals

1. Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury when there is no other reasonable means to eliminate the threat or when acting consistently with existing department guidelines authorizing the humane destruction of deer. When on location with an injured animal that is not presenting an immediate threat to the officer or another person, every attempt should be made to confine or contain the animal and notify police radio to have them contact the Animal Care and Control Team (ACCT).

2. In all cases where a dog is shot and injured by the police, the animal will be transported directly to ACCT for examination by a veterinarian.

NOTE: Police personnel will not transport an injured dog shot by police to a veterinary hospital unless exigent circumstances exist and upon approval of a supervisor (e.g., ACCT or SPCA is unavailable).

X. Annual review

Research and Planning, in conjunction with Internal Affairs and the Training Division, shall review this directive annually and recommend any updates and changes through the appropriate chain of command to the police commissioner.

RELATED PROCEDURES:	Directive 2	Responsibilities at Crime Scenes
	Directive 22	Use of Force
	Directive 74	Animal Control
	Directive 100	Firearms Policy: On or Off Duty
	Directive 148	Employee Assistance Program (EAP)

BY COMMAND OF THE POLICE COMMISSIONER

*Meets the standards of the Pennsylvania Law Enforcement Accreditation Commission (PLEAC).

Appendix F. PPD directive 22

Note: This appendix has been slightly modified to adhere to COPS Office publication standards.

12-20-10

Subject: Use of force

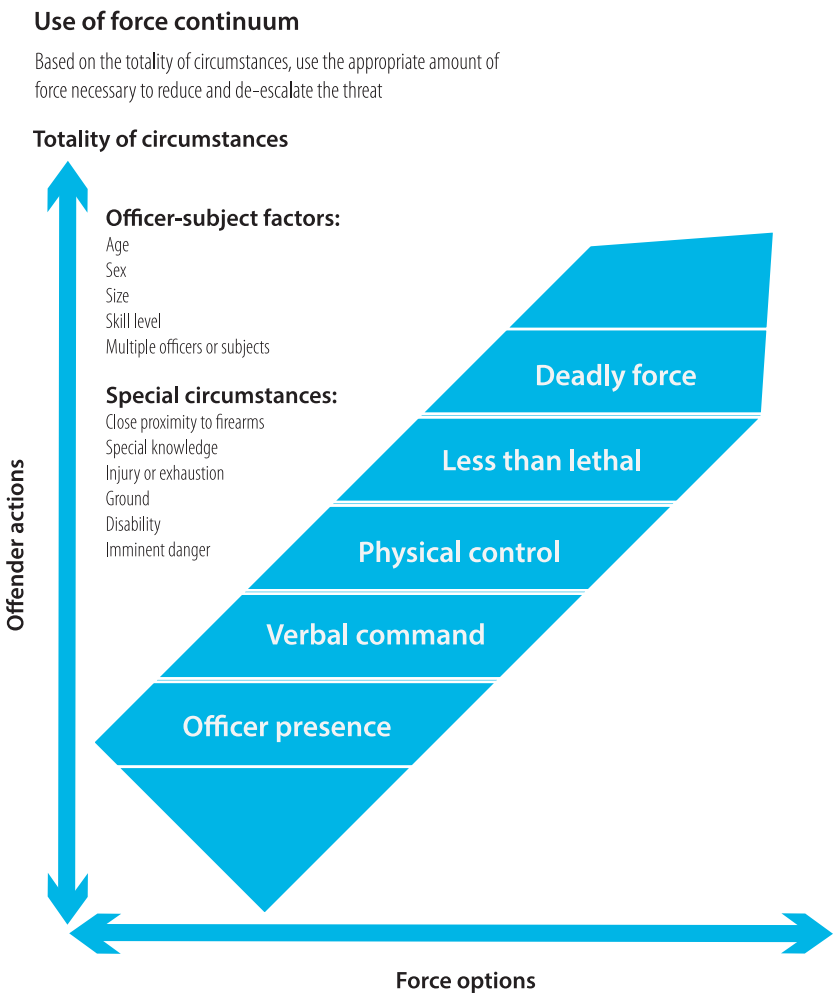
I. Purpose

A. This directive outlines the proper use of force, particularly in situations involving the use of the baton/ASP, oleoresin capsicum (OC) pepper spray, electronic control weapons (ECW), and other force which may be used by police, as well as the required reporting of incidents in which officers are called upon to use less than deadly force. The use of deadly force is fully covered in directive 10.

II. Policy

A. The primary duty of all police officers is to preserve human life. Only the minimal amount of force necessary to protect life or to effect an arrest should be used by an officer. **Excessive force and/or gratuitous use of any force will not be tolerated.** Officers should exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance. The application of force by a police officer should be guided by principles found in the "force continuum," which are

- officer presence;
- verbal commands;
- physical control;
- less than lethal force;
- deadly force.



B. *3 RENDERING MEDICAL AID – After employing any force including lethal or less than lethal weapons, officers shall render appropriate medical aid and request further medical assistance, when necessary, for the suspect and any other injured individuals as soon as it is safe to do so. Any aid provided shall be documented in the appropriate report.

C. Additionally, personnel will not unnecessarily or unreasonably endanger themselves and others in applying these guidelines to actual situations.

D. Though many officers may be at the scene of a police incident where force is being used, some officers may not be directly involved in taking police action. As officers, we have an obligation to protect the public and other officers. Therefore, it shall be the duty of every officer present at any scene where force is being applied to either stop or attempt to stop another officer when force is no longer required. Your actions will protect both the officer from civil or criminal liability and the civilian from serious injury.

E. As outlined in section VI, Use of force notification procedure, the Internal Affairs Division (IAD) must be informed when

1. a person is treated at a hospital (whether or not admitted) or dies while in police custody as the result of actions taken by police;
2. any time a person in police custody is treated at a hospital (e.g., prisoner complaining of chest pains or a prisoner assaulted by another prisoner);
3. any incident involving the use of force where an injury or a complaint of an injury results;
4. whenever a baton/ASP has been used to strike a subject, OC spray has been used by police, or the ECW has been used;

NOTE: Whenever the trigger on the ECW is pulled, it is recorded in the weapon and must be reported to the IAD. Accidental discharges will be reported to the IAD through the notification screen on the police intranet homepage. The use of force report will not be necessary.

5. whenever a subject is delivered a blow or strike with a hand, fist, foot, or other body appendage or other object.

F. The department's use of force form described within will not be used when officers discharge their firearm. It will be completed, however, when the baton/ASP has been used to strike an individual, OC spray was used on an individual, another object was used to strike (e.g., police vehicle), a canine dog has bitten or been used to physically apprehend an individual, or an ECW has been used.

G. Guidelines set forth in this directive will also pertain to police correctional officers at the Police Detention Unit when appropriate.

III. Utilizing force (general)

A. When responding to any incident which may require the use of force, officers **WILL**

1. evaluate the situation;
2. immediately establish control of their firearm;
3. when feasible and safe, provide some warning to the individual;
4. illuminate the subject, when possible;
5. if force is necessary, coordinate appropriate tactics with a sufficient number of personnel to safely overcome any resistance;
6. use the minimum force necessary;
7. except when using an ECW, target the preferred or intermediate striking areas identified in section V-B-6.
8. handcuff the individual behind the back, palms out, ensure handcuffs are double-locked, and do so at the earliest possible time to reduce potential resistance;
9. notify a supervisor immediately;

10. ensure that the individual is checked for injuries;
11. take any individual who has been struck on the head or any individual complaining of an injury to the nearest hospital or appropriate trauma center immediately (prepare a complaint or incident Report [75-48] for the hospital case and have the individual sign the 75-48 if treatment is refused; also, note if the individual refuses to sign]. In all cases where the ECW or OC pepper spray is used, the individual will be taken to the hospital;
12. prepare all necessary paperwork as required by department policy;
13. ensure that the investigator assigned is made aware that force had to be used to control or take the individual into custody.

NOTE: A description of the actions of the individual which caused the use of force as well as the officer's actions should be included by the assigned investigator within the investigation report (75-49). Should injuries occur, they should also be described within the investigation report to include treatment received.

B. When responding to any incident which may require the use of force, officers **WILL NOT**
    1. whenever possible, sit, kneel, or stand on a subject's back or chest;
    2. stand on a subject's head, face, and/or neck area;
    3. offensively kick and/or stomp on a subject;
    4. transport an individual in a face down position, especially when handcuffed. This will serve to prevent positional asphyxia that occurs when the position of the subject's body interferes with his/her ability to breathe. If an individual is having trouble breathing or is demonstrating life-threatening symptoms, medical assistance will be sought immediately.

IV. Use of OC pepper spray

A. Oleoresin capsicum spray is an inflammatory agent that causes an intense burning sensation of the skin and mucous membranes. It has a near immediate effect on an individual sprayed, though the effects subside after about 30 minutes.

B. If sprayed in the face, the individual's eyes will close, tear, and swell as a result. The subject may become disoriented and lose their balance. When pepper spray is inhaled, the respiratory tract will become inflamed and temporarily restrict breathing to short, shallow breaths. The subject may experience choking, gagging, or gasping for breath. A burning sensation of the skin may also occur.

C. The use of OC spray is for defense or to assist in effecting an arrest. It may be used to
    1. control an aggressively resisting subject such as an involuntary commitment or prevent an escape from arrest;
    2. overcome resistance to an arrest;
    3. protect an officer or another person from bodily injury;
    4. prevent an individual from injuring themselves;
    5. prevent a suicide.

D. It is not to be used

1. for the dispersal of non-violent persons;
2. for disorderly crowds;
3. in situations where people are exercising their Constitutional rights of free speech or assembly;
4. at random;
5. as a threat to gain compliance or information.

E. Once an individual has been placed under control, there is no further justification for the continued use of the OC spray.

F. When carrying or utilizing OC spray, officers **WILL**

1. carry only the departmentally approved OC spray;
2. ensure care is taken to protect infants, children, and the elderly from the spray;
3. deliver the spray directly into the face (eyes, nose, mouth) and, where practical, in two one-half second bursts;
4. be aware of cross-contamination, wind direction, and the presence of fellow officers before utilizing spray;
5. remember that the effective range of the spray is 10–12 feet;
6. safely secure the individual in handcuffs once under control;
7. calm the individual and reassure them that the effects are temporary;
8. expose the subject to fresh air and, if water is available, flush the contaminated areas (to decontaminate a premises indoors, ventilate by opening windows and doors);
9. transport the subject to the nearest hospital and take the spray canister along;
10. continue to monitor the subject during transportation for respiratory distress;
11. if the subject is or becomes unconscious, transport as an emergency hospital case;
12. have subject wash any contaminated areas of the skin with soap and water once arriving at the hospital;
13. when applicable, have subject remove contact lenses and wash same;

NOTE: Serious eye damage can occur if contacts are not removed within 4–6 hours of exposure.

14. prepare a 75-48 for the hospital case and have the individual sign the 75-48 if treatment is refused. Also note if the individual refuses to sign;
15. prepare a use of force report;
16. prepare other necessary paperwork relating to the incident where necessary (i.e., 75-48, 75-49);
17. treat OC spray as a weapon and store in a secure place when not on duty.

G. When carrying or utilizing OC spray, officers **WILL NOT**

1. spray directly into the eyes at a distance of less than three feet, when possible;
2. spray into the wind or in a confined area;
3. keep spray projectors in vehicles;
4. store where temperatures exceed 120 degrees Fahrenheit.

H. Miscellaneous OC spray information

1. All OC spray will be issued by the Firearms Training Unit (FTU).
2. Officers should check the expiration date on each canister. If expired or there is a leak or damage or the canister is empty, report to the FTU for a replacement. A memorandum will be prepared and distributed as outlined in section 4 below.
3. Lost or stolen spray canisters shall be immediately reported on memorandum in triplicate to the pertinent district/unit commanding officer fully explaining the circumstances. A 75-48 and 75-49 will be submitted to the pertinent detective division.
4. The memorandum will be distributed as follows:
    a. commanding officer, Firearms Training Unit
    b. district/unit file
    c. finance unit
5. When the commanding officer determines negligence has occurred, the officer will be subject to disciplinary action and/or required to pay for its replacement.
6. Commanding officers will review and approve the memorandum and permit the officer to obtain a replacement.
7. Upon one's retirement, OC spray canisters will be turned in to the officer's commanding officer and sent to the FTU.

V. Use of the police baton/ASP

A. The use of the baton/ASP is for defense and to assist in effecting an arrest. It should not be used as an offensive weapon. It may be needed to

1. block or deflect an attack;
2. counterstrike in self-defense;
3. control an aggressively resisting subject;
4. overcome resistance to an arrest;
5. protect an officer or another person from bodily injury;
6. prevent an individual from injuring themselves;
7. prevent a suicide.

B. When carrying or utilizing the baton/ASP, officers **WILL**

1. carry the departmentally issued baton, which shall have an overall length of 22–24 inches and a diameter of one and one-quarter inches (1 1/4") and shall be made of wood or fiberglass or a departmentally issued ASP;
2. carry the baton/ASP whenever leaving the vehicle (uniformed officers and supervisors);
3. carry the baton/ASP in their belt loop on the opposite side of the gun holster;
4. carry the baton/ASP in a non-aggressive (e.g., under arm) manner during vehicle or pedestrian stops, disturbances, crowds, or other potentially dangerous situations;
5. attempt to use alternate forms of control;
6. strike only the following locations of the body when necessary:

   Preferred striking areas:

   muscle in the legs (thigh and calf) and arms (forearms and biceps). These areas are most vulnerable to an effective strike;

   Intermediate striking areas:

   If striking the preferred areas is not possible, or unsafe to the officer, or other officers, the officer should attempt to strike the intermediate areas, which include the elbows, knees, and ankles. These are secondary strike zones, which may cause pain or injury but are not intended to cause permanent damage;
7. immediately notify a supervisor of the use of the baton/ASP;
8. take an injured individual or one complaining of an injury to the nearest hospital or appropriate trauma center immediately (prepare a 75-48 for the hospital case and have the individual sign 75-48 if treatment is refused. Also, note if the individual refuses to sign);
9. prepare a use of force report in all cases where the baton/ASP was used to strike an individual;
10. prepare other necessary paperwork relating to the incident, where necessary (i.e., 75-48, 75-49).

C. When carrying or utilizing the baton/ASP, officers **WILL NOT**

1. make modifications of, substitutions for, or additions to the issued baton/ASP;
2. intentionally strike the head, face, throat, chest, abdomen, groin, and collarbone of an individual;
3. use more force than is necessary to overcome the resistance;
4. use another object in place of the baton/ASP, unless unusual circumstances preclude the officer from reaching or using the baton/ASP or OC spray. If another object is used, the involved officer will follow the same reporting procedures outlined in this directive and explain why the object was utilized. The use of other objects may be reasonable and necessary.

D. Miscellaneous baton/ASP information

1. Damaged, lost, or stolen baton/ASPs shall be immediately reported on memorandum in triplicate to the pertinent district/unit commanding officer fully explaining the circumstances.
2. When the commanding officer determines negligence has occurred, the officer will be subject to disciplinary action and/or required to pay for its replacement.
3. The memorandum will be distributed as follows:
    a. pertinent chief inspector
    b. finance unit
    c. retain in district/unit file

VI. Assault on police investigations procedures

A. In order to ensure the integrity of assault on police arrests and to protect all police personnel, the guidelines below will be followed. Listed below are investigation guidelines and command oversight for **ALL** assault on police investigations. They will be in place whether the assault on police is the **primary** or **secondary** charge.

B. Supervisor's responsibilities: a supervisor **WILL** immediately **respond to all assault on police/use of force crime scenes** (whether it is the primary or secondary charge).

1. As stated in previous investigation guidelines, the responding supervisor will hold or release the crime scene after conferring with a supervisor from the detective division of occurrence.
2. The supervisor will document all police involved in the assault and/or arrest and supply the names, badge numbers, and patrol car numbers to the detective division. The supervisor will also ensure that all personnel are interviewed by the detective division of occurrence.
3. The supervisor will ensure that all civilian witnesses are documented on the complaint or incident report (75-48) (include all contact information, cell phone numbers, etc.) and will be supplied to the detective division. Transportation to the detective division (for interviews) will also be arranged as needed.
4. The supervisor will observe and document (and supply the information to the detective division) all injuries to police and/or defendants (and ensure that they receive hospital treatment).
5. The supervisor will ensure that all use of force paperwork is prepared and submitted in accordance with this directive.

C. Detective unit responsibilities: a **detective unit supervisor WILL** be notified immediately whenever an assault on police (use of force) arrest or investigation is received (whether it is the primary or secondary charge). The supervisor **WILL**

1. confer with the responding supervisor on the street and determine if the crime scene will be held for processing;
2. monitor the investigation, ensuring that all parties (police and civilian) are interviewed by detectives; review the interviews and ensure that any follow-up questions are addressed;
3. ensure that all injuries (police and civilian) are documented and photographed;
4. ensure that all interviews and evidence (photographs, property receipts, etc.) are entered in the PIIN system (as stated in previous guidelines, ALL preliminary discovery is required to be entered in PIIN on any arrest before charges are approved by DACU).

D. **BEFORE** the arrest is entered in PARS, the detective supervisor **WILL** notify the detective division commanding officer (during business hours) so that they can review all paperwork involving the arrest. The detective division commanding officer will also review all paperwork on an investigation of an assault on police (no arrest) **PRIOR** to the detective submitting an affidavit for an arrest warrant.

1. If the arrest occurred during non-business hours, the detective supervisor **WILL** notify police radio for a Command Inspections Bureau commander to respond and review the arrest paperwork (**PRIOR** to entry in PARS).
2. If during business hours and the detective division commanding officer is unavailable (vacation, etc.), then the detective division supervisor will notify the following in the listed order:
    a. The divisional inspector
    b. The available patrol commanding officer located in the divisional headquarters (in the same building as the detective division)
    c. A district commanding officer in the division of occurrence (NOT located in the divisional headquarters).
3. The detective supervisor WILL confer with the responding commander on the aspects of the case. DACU will be contacted by phone if guidance is needed in the charging procedure.
4. The detective supervisor will then ensure that the PARS report is submitted (and approved by the supervisor) with the proper charges lodged. The supervisor will ensure that any requested follow-up by DACU is completed immediately and resubmitted for the approval of the PARS.

E. The assigned detective **WILL**

1. ensure that their supervisor has been notified of the assault on police arrest or investigation (primary or secondary charge);
2. ensure all investigative steps have been taken, including (but not limited to) crime scene processing, retrieval of available video, CCI information and/or radio tapes, etc.;
3. document and photograph all injuries (police and defendants);

4. ensure all persons (police and civilian) involved are interviewed; make interviews available to supervisory and command personnel for their review;
5. attempt to interview the defendant(s) (after advising their Miranda warnings);
6. ensure the complete investigative package is available for review by the supervisor and command personnel and entered into PIIN;
7. ensure PARS is submitted **ONLY AFTER** the case has been approved by the unit supervisor **AND** the reviewing commander.

F. Responding commanding officer responsibilities: upon notification of an assault on police arrest, the assigned commander (detective captain, divisional inspector, district captain, or CIB commander) **WILL**

1. review all arrest and case file paperwork (including interviews);
2. confer with detective supervisor (and DACU if needed) for proper charges; if **NO** charges are warranted, ensure the suspect(s) are released and the investigative paperwork is updated;
3. the responding commander **WILL** ensure that an entry is made on the Detective Division Daily Complaint Summary (75-67) and that they list the rank, name, badge number, and unit assigned and review the assault on police arrest (list location of assault, DC# and Detective Control #);
4. ensure that the required use of force forms are completed and submitted and the Internal Affairs Division is notified when required.

VII. Use of force notification procedure

A. Whenever less than lethal force is used by uniform or plainclothes sworn personnel, the following notification process will be implemented:

1. A supervisor will be notified immediately.
2. The supervisor will ensure that only one (1) 75-48 will be prepared describing circumstances of the incident as well as information on the use of force required during that incident. If more than one officer has utilized force during that single incident, only one (1) 75-48 is required, though the names of all involved officers must be included.
3. The supervisor will assign one of the involved officers the responsibility for preparing a complete use of force form (75-632). If more than one officer has used force, he/she will only complete sections of an additional use of force form that pertain to their involvement in the incident, the top line of the report, and the signature block.

NOTE: All reports must be completed before the officer(s) completes his/her tour of duty.

4. Both the assigned lieutenant and the sergeant will be responsible for reviewing and ensuring completeness and accuracy of the use of force form. They will also sign the form.

5. When the use of force results in death or serious life threatening injury, a supervisor will immediately notify his/her commanding officer or Command Inspections Bureau (CIB) commander. That commander will then immediately notify Internal Affairs by phone. Police radio will be notified on the 12-8 tour or on weekends.
6. The operations room supervisor (ORS) will also ensure that the IAB incident notification screen is filled in completely and accurately. (Access the screen through the police intranet home page.)

NOTE: If more than one officer is injured or if more that one defendant has had force used against them as a result of a single incident, separate messages must be sent via the IAB notification screen.

7. When the use of force results in only minor injury or no injury at all, only the IAB notification screen need be completed. No phone call to Internal Affairs from a commander is necessary.
8. In all cases, the ORS will ensure pertinent information is entered on the district/unit daily complaint summary (75-67).

VIII. Distribution of the use of force form

A. When the use of force form(s) (75-623) is completed, copies will be made and distributed as follows:

Original: Internal Affairs Division within five (5) days of incident, where it will be kept for three (3) years.

First copy: District/unit commanding officer's file, where it will be kept for three (3) years.

Second copy: Commanding officer, Firearms Training Unit (OC pepper spray/ECW use only).

Related procedures

Directive 10, "Discharge of Firearms by Police Personnel"

Directive 111, "Barricaded Persons/Hostage Situations"

Directive 136, "Emotionally Disturbed Persons"

Memorandum 98-01, "Off-Duty Police Actions"

BY COMMAND OF THE POLICE COMMISSIONER

FOOTNOTE #

GENERAL #

DATE SENT

REVISIONS

*1	8209	3-18-11	ADD SECTION VI
*2	3736	10-27-11	ADD APPDX "B"
*3	7102	01-24-12	ADDITION

PPD directive 22 appendix A

SUBJECT: USE OF THE ELECTRONIC CONTROL WEAPON (ECW)

I. Purpose

The purpose of this policy is to provide guidance and direction on the use of the electronic control weapon (ECW) in the context of the use of force continuum.

II. Policy

It is the policy of the Philadelphia Police Department to use only reasonable and necessary force to overcome the resistance put forth by individuals who are violent, exhibiting threatening behavior, or physically resisting arrest. All ECW training will conform to this policy.

III. Definitions

Arcing: Pulling the trigger to activate an ECW that does not have an air cartridge installed. This may be done while the ECW in contact with a subject (i.e., drive stun mode) or in a non-contact situation such as to test the ECW (i.e., spark test).

Activation or activating: The act of pulling the trigger of an ECW, either intentionally or accidentally, causing it to arc or to discharge probes.

Active aggression: A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

Active resistance: A subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance.

Air cartridge: Replaceable cartridge for the ECW, which uses compressed nitrogen to fire two barbed probes with thin connecting wires sending a current signal into the subject.

Confetti tags: Small identifying cards expelled from an ECW air cartridge when probes are discharged. Each confetti tag contains a serial number unique to the specific air cartridge used. Confetti tags are also referred to as "anti-felon identification" (AFID) tags.

Cycle: The time during which electrical impulses are emitted from the ECW following activation. In most ECWs, a standard cycle is five (5) seconds for each trigger pull. The duration of a cycle may be shortened by turning the ECW off. The duration of the cycle may be extended in certain models by continuing to pull the trigger.

Display: Drawing or exhibiting the ECW as part of a warning tactic, typically accompanied by appropriate verbalization.

Drive stun: A secondary function of an ECW. Drive stun is possible when the ECW air cartridge has been expended or removed from the ECW or when the probes are deployed at close range with minimal spread. This action requires pulling the trigger and placing the ECW in direct contact with a subject, causing the electrical energy to directly enter the subject or firing the probes at close range. Drive stun is frequently used as a non-incapacitating compliance technique. It may also be used to incapacitate a subject where at least one probe is attached to he subject's body and the ECW contact will complete the circuit.

Duration: The aggregate time that the ECW is activated. The duration of activation may differ from the duration of time that a subject is exposed to electrical impulses from an ECW.

Electronic control weapon (ECW): A weapon primarily designed to discharge a chain of small electrical charges into the subject sufficient to cause uncontrolled muscle contractions and override the subject's voluntary motor responses.

Laser painting: The act of unholstering and pointing an ECW at a subject and turning on the ECWs laser aiming dot to show the device is aimed at the subject.

Passive resistance: Physical actions that do not prevent the officer's attempt to control (e.g., a person who remains in a limp, prone position, passive demonstrators).

Probes: Small projectiles with wires contained in an ECW air cartridge. When the ECW is activated, probes are expelled from the ECW and penetrate the subject's clothing and/or skin, allowing for the application of the electrical impulse.

Probe mode: The primary setting on an ECW that allows the system's propulsion system to deploy two small probes that are attached to the ECW by insulated wires at distance up to 25 feet.

Serious bodily injury: Bodily injury that creates a substantial risk of death or that causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Use of force continuum: A training model or philosophy that supports the progression and reasonable escalation and de-escalation of officer-applied force in proportional response to the action and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the officer's commands. Such response may progress from the officer's physical presence at the scene to the application of deadly force.

IV. Procedure

A. Authorized users, training, and equipment

1. Only those officers/supervisors who have successfully completed the approved, basic ECW training shall be authorized to carry an ECW.
2. To continue carrying an ECW, all personnel initially authorized to carry an ECW must undergo recertification training annually. Any personnel who fail to undergo recertification training and/or qualification shall be prohibited from carrying ECW until such time that recertification training and/or qualification is made.

NOTE: Officers that have successfully completed the crisis intervention training (CIT) will be issued an ECW. These officers are responsible for the safe handling and storage of this equipment while off duty. The protocols of this appendix shall apply equally to any off-duty actions.

3. Other personnel authorized to carry an ECW will be permitted to sign out an ECW at the beginning of the tour and the information will be recorded on the daily complaint summary (75-67).
4. Only departmentally issued ECWs shall be carried by authorized personnel. The use of privately owned ECWs, holsters, or other related equipment is strictly prohibited.

B. Device readiness

1. The ECW shall be carried in an approved holster on the side of the body opposite the service handgun.
2. The ECW shall be carried fully armed with the safety on in preparation for immediate use.
3. The ECW shall be set in "probe mode" as the primary setting option with "drive stun mode" used as a secondary option.
4. Officers/supervisors shall be issued one spare air cartridge as a backup. The spare air cartridge shall be stored and carried in a manner consistent with training and will be replaced consistent with the manufacturer's expiration requirements.
5. The ECWs energy level shall be checked and a spark test done prior to taking the ECW out on patrol. This is accomplished by first removing the air cartridge, then turning the power switch on, pulling the trigger, then turning the unit off as soon as a spark is seen. A visible spark between the electrodes at the front of the ECW will show the unit is functioning properly. Point the ECW in a safe direction prior to spark test.

*****************CAUTION*****************

BE SURE TO REMOVE TASER AIR CARTRIDGE PRIOR TO BEGINNING SPARK TEST

6. The battery indicator on the Taser model **M26 Taser®** may blink or be a steady red, depending on the age of the unit. This indicator in and of itself does not ensure that the components of the ECW are performing properly; it only indicates the unit has power. If there is no red LED visible then return the unit to Firearms Training Unit for evaluation and replacement of batteries if required.
7. The battery indicator on the Taser model **X26 Taser®** is visible on the central information display. This indicator in and of itself does not guarantee that the components of the Taser are performing properly. When the display indicates less than twenty (20) firings remaining, return the unit to the Firearms Training Unit.

C. Activating the ECW

1. **The ECW shall only be activated** against persons who are exhibiting active aggression or active resistance in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
2. A warning shall be given to a person prior to activating the ECW unless to do so would place any other person at risk.
3. Personnel should not intentionally simultaneously activate more than one (1) ECW against a person.
4. Personnel may activate an ECW against an aggressive animal, but only if doing will not unnecessarily jeopardize the safety of the officer or civilians present.
5. Whenever an ECW is about to be used, it is the responsibility of the activating officer to make sure other officers on the scene understand that the ECW is being activated by announcing "TASER" several times before being discharging.
6. Personnel should not intentionally target sensitive areas (e.g., head, neck, genitalia).
7. When activating an ECW, personnel should use it for one (1) standard cycle (a standard cycle is five [5] seconds) and should evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to multiple activations and continuous cycling and exposure to the ECW longer than fifteen (15) seconds may increase the risk of death or serious injury. Any subsequent activation should be independently justifiable and should be weighed against other force options.
8. To minimize the number of cycles needed to overcome resistance and bring the subject under control, once it is announced that an ECW in being activated, all officers on scene should attempt to secure the subject while incapacitated by ECW power or immediately thereafter. All officers on scene must also be prepared for an ECW to be ineffective and immediately transition to other force options if necessary.

NOTE: In determining the need for additional energy cycles, officers must be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

9. **Drive stun is a secondary** function of an ECW. Personnel must be aware that using an ECW in drive stun is OFTEN INEFFECTIVE in INCAPACITATING a subject. However, it may be used to effectively incapacitate a subject where at least one probe is attached to the subject's body and the ECW contact will complete the circuit (i.e., provide the second electrical contact to a subject) by creating uncontrolled muscle contractions and overriding the subject's voluntary motor responses.
10. The ECW **SHALL NOT** be used in the following manner:
    a. Against a suspect exhibiting passive resistance
    b. Against an unarmed suspect attempting to elude capture by fleeing that is wanted for a nonviolent misdemeanor, summary, or traffic offense
    c. For the dispersal of nonviolent persons or disorderly crowds or in situations where people are exercising their Constitutional rights of free speech or assembly
    d. At random or as a threat to gain compliance or information
    e. In any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to gasoline, natural gas, propane, or alcohol-based oleoresin capsicum (OC) spray
    f. Against any elderly/frail persons, young children, or any women who appear pregnant or where officers receive information that the women are or may be pregnant
    g. Against a subject when in an elevated position where a fall may cause substantial injury or death
    h. Against subjects in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles, and scooters
    i. On handcuffed persons unless necessary to prevent the individual from harming themselves or others from serious bodily injury
    j. Against a subject where officers receive information that the subject has any heart ailments or conditions or has a pacemaker

D. Post-deployment

1. Following an ECW activation, officers should use a restraint that does not impair respiration.
2. All individuals who are exposed to an ECW activation shall be transported to a medical facility for treatment. If the prongs are attached to the skin of the individual, cut off the wires between the cartridge and the prongs, leaving a twelve (12)-inch lead, prior to transportation. The ECW prongs should be treated as a biohazard risk.
3. If not incapacitated, the officer/supervisor firing the device will accompany the victim to the hospital. Prepare a separate 75-48 for the hospital case. Retrieve two (2) prongs from the hospital and place them inside cartridge holes and tape over and note: "Prongs are included." The cartridge and prongs will be placed on a property receipt and submitted as evidence.

4. If possible, the confetti tags will be recovered and also placed on the property receipt.
5. Detectives will ensure that the area affected by the ECW is photographed. The use of the ECW will be noted on the investigation report (75-49).

E. Reporting/notifications

1. Any officer/supervisor that activates an ECW either intentionally or accidentally shall notify police radio and complete a use of force report (75-632). Police radio will dispatch a supervisor of the next highest rank to the scene.
2. The responding supervisor shall conduct an initial review of the ECW activation and ensure a use of force report is completed for both intentional and accidental activations.
3. After medical treatment, if the suspect is being arrested, the activating officer/supervisor shall ensure that the ORS is notified that the suspect was exposed to an ECW activation. This information will be inserted into the detainee medical checklist. In the event the activating officer/supervisor is incapacitated, the responding supervisor shall ensure the proper notification is made to the ORS and on the detainee medical checklist. The ORS shall monitor suspects who have been exposed to an ECW activation every fifteen (15) minutes for any possible medical emergencies.
4. After medical treatment, if an individual is exposed to an ECW activation and transported to a crisis response center (CRC), the activating officer/supervisor shall notify a CRC supervisor that the individual was exposed to an ECW activation. The name of the supervisor and the time of notification will be inserted on the use of force report. In the event the activating officer/supervisor is incapacitated, the responding supervisor shall ensure the proper notification is made and the information is inserted into the use of force report.
5. Any officer/supervisor that activates an ECW either intentionally or accidentally shall report to the range no more than five (5) days after the incident for a replacement air cartridge and for range personnel to download the ECW's data.

F. Investigations

1. All use of force reports involving the activation of an ECW shall be reviewed by Internal Affairs.
2. Internal Affairs shall initiate an internal investigation when any of the following factors are involved:
    a. A person experiences death or serious bodily injury.
    b. A person experiences prolonged ECW activation (longer than fifteen seconds).
    c. The ECW appears to have been used in a punitive or abusive manner.
    d. There appears to be a substantial deviation from training.
    e. A person in an at-risk category has been exposed to an ECW activation (i.e., elderly/frail persons, young children, or any women who appear pregnant or where officers receive information that the women are or may be pregnant).

3. Every ECW-related force investigation initiated under section F-2 above should include
    a. date, time and location of incident;
    b. whether the use of display, laser painting and/or arcing where attempted to gain compliance of the subject;
    c. identifying and descriptive information and investigative statements of the subject (including whether the subject was a an elderly/frail person, young child, or a woman who appeared pregnant or where officers received in/information that she was or may have been pregnant the time of the activation), all personnel firing ECWs, all witnesses, including the location of where all interviews (police and civilian) were taken;
    d. the type and brand of ECW used;
    e. the number of ECW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications;
    f. level of aggression encountered;
    g. any weapons possessed by the subject;
    h. the type of crime/incident the subject was involved in;
    i. determination of whether deadly force would have been justified;
    j. the type of clothing worn by the subject;
    k. the range at which the ECW was used;
    l. the type of mode used (probe or drive stun);
    m. the point of impact on the subject in probe mode;
    n. the point of impact in drive stun mode;
    o. location of missed probes;
    p. collection of ECW cartridges, probes, data downloads, any available video, and confetti tags;
    q. the type of cartridge used;
    r. photographs of cartridge/probes;
    s. terrain and weather conditions during ECW use;
    t. lighting conditions;
    u. suspicion that subject was under the influence or drugs or alcohol;
    v. medical care provided to the subject;
    w. any injuries incurred by personnel or the subject;
    x. forensic quality photographs (including a ruler to show distances) of subject and officer injuries.

4. When reviewing downloaded ECW data, supervisors and investigators should be aware that the total time of discharge registered on the ECW may not reflect the actual duration of ECW activation on a subject.

G. Auditing

1. All department ECWs will be subjected to periodic and random data downloading by Internal Affairs. The data obtained will be reconciled with existing use of force reports to ensure accountability between the cycles recorded and those documented in such reports and occurring in pre-shift testing.
2. Periodic and random audits shall be conducted to ensure all officers/supervisors who carry ECWs have attended initial and recertification training.

H. Lost or stolen ECWs

1. Lost or stolen ECWs and/or air cartridges shall be immediately reported on a memorandum to the pertinent district/unit commanding officer fully explaining the circumstance. The memorandum, 75-48, and 75-49 will be submitted to the commanding officer, Firearms Training Unit and to police finance.
2. After the commanding officer reviews and signs the memorandum, the officer/supervisor will report to the Police Academy, Firearms Training Unit, with a copy of the memorandum and the investigation report (75-49) to obtain a replacement device for a lost/stolen ECW. Between the hours of 4:00 p.m. and 8:00 a.m., report to the Police Academy, Canine Unit, for issuance of a replacement device.
3. The Canine Unit will notify the Firearms Training Unit of all such transactions on the next business day.
4. When the commanding officer determines negligence has occurred, the officer/supervisor will be subject to disciplinary action and/or required to pay for its replacement.

I. Revocation of certification/privilege to carry an ECW: the issuance and authority to carry an ECW is a privilege granted to specially trained officers/supervisors and is not to be construed as standard issued equipment. As such, the department reserves the right to revoke this privilege. Any such revocation shall not be construed to prevent or limit the department from invoking any disciplinary charges, penalties or other remedies available.

BY COMMAND OF THE POLICE COMMISSIONER

PPD directive 22 appendix B

SUBJECT: USE OF FORCE REVIEW BOARD

I. Policy

A. Strict standards in the normal application of force by police personnel are necessary to provide guidance and to safeguard the public from unnecessary or unreasonable force. However, police personnel may be confronted with circumstances that were unknown or unanticipated when departmental standards were developed. Such circumstances may require extraordinary and unanticipated actions to be taken to protect police personnel or others, including suspects, from imminent serious bodily injury or death. In these extraordinary situations, written policies alone are often insufficient to properly evaluate the appropriateness or reasonableness of police personnel's actions.

B. To fairly review these cases, maintain departmental integrity, and ensure the public is properly protected, the Use of Force Review Board (UFRB) will function as both an investigative and an administrative tool to objectively review the appropriateness or reasonableness of force used in those extraordinary cases that could not have been reasonably foreseen when creating a written policy.

C. Only those cases where it appears extraordinary and unanticipated actions were required to protect police personnel or others including suspects, from imminent serious bodily injury or death will be referred to the UFRB. These cases will be referred by the deputy commissioner, Office of Professional Responsibility; however, the police commissioner or any deputy commissioner may also refer cases to the UFRB for review.

D. The UFRB will be composed of

    1. designated deputy commissioner, who will act as chairperson;
    2. deputy commissioner, Major Investigations;
    3. deputy commissioner, Office of Professional Responsibility;
    4. chief inspector, Training and Education Services Bureau.

II. Procedure

A. In those nondeadly use of force cases referred to the UFRB, no final determination regarding the appropriateness or reasonableness of the force used will be made by Internal Affairs. Internal Affairs shall attach its recommendations, but the UFRB shall review the totality of the circumstances and issue a determination of whether the force deployed was appropriate or objectively reasonable under the circumstances.

B. The chairperson of the UFRB will receive and distribute to all members copies of all Internal Affairs use of force investigations and investigative reports relating to cases referred to the UFRB.

C. The chairperson will convene the UFRB for the purpose of reviewing the investigative reports on each case. The UFRB shall have access to the entire investigative file, attachments, assigned investigators, and any witnesses necessary to complete a thorough review.

D. The decision regarding each incident shall be made by a majority vote of the UFRB.

1. If the review indicates that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked **"Exonerated—Use of Force within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances."** The chairperson will notify the police commissioner in writing.
2. If the review indicates that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary or excessive even under extraordinary circumstances, the case will be marked as **"Sustained—Not within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances."** The chairperson will notify the police commissioner in writing and recommend a full hearing before the Police Board of Inquiry.
3. If the review indicates that further information is required, the chairperson will schedule a hearing and summons the involved officer(s) and any witnesses necessary to enable the board to complete its review.
    a. If the board determines as a result of the hearing that the officer's actions were in accordance with departmental policy or objectively reasonable under extraordinary circumstances, the review will be terminated and the case will be marked **"Exonerated—Use of Force within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances."** The chairperson will notify the police commissioner in writing.
    b. If the board determines as a result of the hearing that the officer's actions were not in accordance with departmental policy or deemed unreasonable, unnecessary or excessive even under extraordinary circumstances, the case will be marked as **"Sustained—Not within Departmental Policy or Objectively Reasonable under Extraordinary Circumstances."** The chairperson will notify the police commissioner in writing and recommend a full hearing before the Police Board of Inquiry.
4. The UFRB shall have the authority to make final determinations on any other departmental violations cited by Internal Affairs in cases reviewed by the UFRB. The findings of the board will in no way be determinative of the final disposition of any hearing before the Police Board of Inquiry.
5. Nothing in this section shall be construed to abridge, restrict, or otherwise limit the police commissioner's final authority relating to discipline in these matters, including the right to override the decision of the Use of Force Review Board.

BY COMMAND OF THE POLICE COMMISSIONER

About the COPS Office

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

About CNA

CNA is a not-for-profit organization based in Arlington, Virginia. The organization pioneered the field of operations research and analysis 70 years ago and, today, applies its efforts to a broad range of national security, defense, and public interest issues including education, homeland security, public health, and criminal justice. CNA applies a multidisciplinary, field-based approach to helping decision makers develop sound policies, make better-informed decisions, and lead more effectively. CNA is the technical assistance provider for the U.S. Department of Justice's Office of Community Oriented Policing Services' Collaborative Reform Initiative Technical Assistance program.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
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To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at **www.cops.usdoj.gov**.

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